

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 11/15/2018 2:00:47 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: FW: EMC slides
Attachments: EPA FOIA EMC presentation 2 ctc-JCM edits.pptx

FYI

Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Epp, Timothy
Sent: Thursday, November 15, 2018 7:42 AM
To: Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: EMC slides

Thanks Joan – I'm very glad you caught my error on the regions in your pilot. I decided not to take your suggested edit on slide 8 – although growing out of thinking about improving the intake process, the site-specific pilot with goes beyond intake to the full processing of those requests through MyProperty. I liked your suggestion of dynamic dashboard on the last slide – but it was too long for the line. So, I used "display" instead and will use dynamic dashboard in my talking points. Thanks!

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

From: Moumbleaux, Joan
Sent: Wednesday, November 14, 2018 9:47 PM
To: Creech, Christopher <Creech.Christopher@epa.gov>; Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: EMC slides

... just had a chance to look at this – suggesting a few words to clarify – see slides 8, 10, and 16.

From: Creech, Christopher
Sent: Wednesday, November 14, 2018 4:58 PM
To: Epp, Timothy <Epp.Timothy@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>
Cc: Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: RE: EMC slides

Un-squished

Christopher T. Creech
Attorney-Adviser
Office of General Counsel
U.S. Environmental Protection Agency
(202) 564-4286
Room 7353 E

From: Epp, Timothy
Sent: Wednesday, November 14, 2018 4:14 PM
To: Walker, Denise <Walker.Denise@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moubleaux, Joan <moubleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Re: EMC slides

Sure

Sent from my iPhone

On Nov 14, 2018, at 4:02 PM, Walker, Denise <Walker.Denise@epa.gov> wrote:

We can fix that squished logo for you...



Denise A. Walker
U.S. Environmental Protection Agency
Acting Assistant Director, OGC FOIA Expert Assistance Team
Washington, D.C. | 7308A WJCN
Office: 202-564-6520
EPA Cell: 202-816-9872

Have a FOIA question? Try [here](#) first!

From: Epp, Timothy
Sent: Wednesday, November 14, 2018 2:58 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moubleaux, Joan <moubleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: EMC slides

Team Slides – here is my latest draft of the EMC slides for tomorrow. I've sent to Elise and Joe; hopefully no major changes (other than Wendy Blake doing something on awareness).

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Grantham, Nancy [Grantham.Nancy@epa.gov]
Sent: 11/13/2018 12:36:57 PM
To: AO OPA Internal Communications [AO_OPA_Internal_Communications@epa.gov]
CC: Epp, Timothy [Epp.Timothy@epa.gov]; Stachowiak, Robert [Stachowiak.Robert@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]
Subject: FW: Administrator's Memo to All Staff on FOIA
Attachments: EPA's Commitment to Transparency

This can go this morning ... OGC folks – please confirm that you are ok with the title below asap – OIC .. please hold until we have heard fomr OGC

Subject line should be:

Thanks ng

The Freedom of Information Act (FOIA): An Important Tool for Promoting Transparency and Building Public Trust in Agency Actions

Nancy Grantham
Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

From: Fan, Shirley
Sent: Friday, November 09, 2018 1:20 PM
To: Grantham, Nancy <Grantham.Nancy@epa.gov>; AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>
Subject: RE: Administrator's Memo to All Staff on FOIA

Mass mailer attached. Let me know if the subject line works for you.

Shirley Fan
Office of Internal Communications
U.S. Environmental Protection Agency
202-564-2425
fan.shirley@epa.gov

From: Grantham, Nancy
Sent: Friday, November 09, 2018 12:59 PM
To: AO OPA Internal Communications <AO_OPA_Internal_Communications@epa.gov>
Subject: FW: Administrator's Memo to All Staff on FOIA

Please prepare for mass mailer from the Acting Administrator and send me a preview.

We will send on Tuesday morning, 11/13

Thanks ng

Nancy Grantham

Office of Public Affairs
US Environmental Protection Agency
202-564-6879 (desk)
202-253-7056 (mobile)

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 11/14/2018 8:36:21 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: FW: EMC slides
Attachments: EPA FOIA EMC presentation 2.pptx

FYI

Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Epp, Timothy
Sent: Wednesday, November 14, 2018 2:58 PM
To: Walker, Denise <Walker.Denise@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>; Vander Naald, Breanne <vandernaald.breanne@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Hill, Kevin W. <hill.kevinw@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: EMC slides

Team Slides – here is my latest draft of the EMC slides for tomorrow. I've sent to Elise and Joe; hopefully no major changes (other than Wendy Blake doing something on awareness).

Tim

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 8/6/2018 11:22:28 AM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: FW: Draft FOIA Memo - 08.01.18.GLO.docx
Attachments: Draft FOIA Memo - 08.01.18.GLO.docx

FYI – note not the final version which I don't think I have.

Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Bigioni, Neil
Sent: Wednesday, August 01, 2018 3:00 PM
To: Mills, Derek <Mills.Derek@epa.gov>; Monson, Mahri <Monson.Mahri@epa.gov>
Cc: Packard, Elise <Packard.Elise@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Moumbleaux, Joan <moumbleaux.joan@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Draft FOIA Memo - 08.01.18.GLO.docx

Derek & Mahri,

Attached is a memo to be given to Acting Administrator Wheeler by Matt during his Friday morning FOIA meeting. GLO and the NFO have been working on this and wanted to give Kevin and opportunity to review before sending it to Matt. I understand that Kevin is out today and may not get to this. Even so, I would like to give him the opportunity to review if he can, but still ensure that if he cannot, it will still go to Matt tonight with the caveat neither Kevin nor Elise have seen this version.

Neil

Neil R. Bigioni
Acting Director National FOIA Office
EPA Office of General Counsel
(202) 564-2281

Message

From: Epp, Timothy [Epp.Timothy@epa.gov]
Sent: 11/1/2018 8:24:00 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: draft memo
Attachments: Draft FOIA Memo - Clean Updated 11 1 2018.docx

Timothy R. Epp
Acting Director, National FOIA Office
Office of General Counsel
U.S. Environmental Protection Agency
Tel. 202-564-2830

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 1/25/2018 5:34:56 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: QFR 1-24-18.docx
Attachments: QFR 1-24-18.docx

Message

From: Schumacher, Wendy [schumacher.wendy@epa.gov]
Sent: 4/17/2018 2:06:16 PM
To: Gottesman, Larry [Gottesman.Larry@epa.gov]
Subject: RE: Review & Comment - OGIS Empowerment Act of 2018

Larry,

Per our discussion:

- 1) Requesters can go to OGIS for free instead of filing appeals and lawsuits making the administrative remedies ambiguous.
- 2) OGIS does not have staff to do this and Congress is unlikely to fund the thousands of new staff members this would require.
- 3) How will going to OGIS impact the timeline?
- 4) EPA is covered with this excerpt from SORN EPA-9: "To the National Archives and Records Administration, Office of Government Information Services (OGIS), to the extent necessary to fulfill its responsibilities in 5 U.S.C. 552(h), to review administrative agency policies, procedures and compliance with the Freedom of Information Act (FOIA), and to facilitate OGIS' offering of mediation services to resolve disputes between persons making FOIA requests and administrative agencies."

Thanks, Wendy
Wendy Schumacher, Ph.D., PMP
National FOIA Office
Government Information Specialist
(202) 566-2513
email: schumacher.wendy@epa.gov

From: Gottesman, Larry
Sent: Tuesday, April 17, 2018 9:36 AM
To: Schumacher, Wendy <schumacher.wendy@epa.gov>
Subject: Fwd: Review & Comment - OGIS Empowerment Act of 2018

Larry F. Gottesman

Sent from my iPhone

Begin forwarded message:

From: "Grogard, Megan" <Grogard.Megan@epa.gov>
Date: April 17, 2018 at 8:15:18 AM EDT
To: "Gottesman, Larry" <Gottesman.Larry@epa.gov>
Cc: "Byrd, Jonda" <byrd.jonda@epa.gov>, "Moser, Rebecca" <Moser.Rebecca@EPA.GOV>, "Jones-Parra, Lisa" <Jones-Parra.Lisa@epa.gov>
Subject: Review & Comment - OGIS Empowerment Act of 2018

Hi Larry,

Please review the attached and provide comments by **1:00PM Wednesday, April 18, 2018.**

The attached includes a draft letter of DOJ views of HR 5253, the Office of Government Information Services (OGIS) Empowerment Act of 2018, which was ordered to be reported by HOCR on 3/15/18 by voice vote. Among other things, HR 5253 would amend FOIA to require all agencies to make any record available to OGIS upon request. In its letter DOJ opposes the bill because, among other things, it: (1) is sweeping in scope; (2) places national security at risk; (3) raises constitutional concerns; and (4) promotes inefficient FOIA administration.

Please review and provide your comments by 1:00PM April 18.

Thanks,
Megan

~~~~~

**Megan Grogard**  
Senior Advisor to the Acting Deputy  
Assistant Administrator  
Office of Environmental Information  
U.S. Environmental Protection Agency  
**Phone: 202-564-6812**  
Cell: 202-834-8385

## Appointment

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**From:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Sent:** 7/26/2018 1:49:55 PM  
**To:** OGC NFO [OGC-NFO@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]  
**CC:** Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Rementer, Nicole [rementer.nicole@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; OGC GLO ILPG [OGC\_GLO\_ILPG@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Buchsbaum, Seth [buchsbaum.seth@epa.gov]  
**Subject:** FOIA Best Practices Brainstorming Session  
**Attachments:** Draft email from Matt FOIA best practices 07252018.docx  
**Location:** Call in Number: 484-352-3221, Code: 4910514. NFO "Bridge" in First Floor Library  
**Start:** 7/26/2018 2:00:00 PM  
**End:** 7/26/2018 3:00:00 PM  
**Show Time As:** Tentative

Anyone who wants to join me on the bridge to help brainstorm for the document I sent last night (attached). GLO folks- please distribute to ILPG staff as you deem appropriate.

Neil



Message

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**From:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Sent:** 7/26/2018 12:54:23 AM  
**To:** OGC NFO [OGC-NFO@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]  
**Subject:** Draft email from Matt FOIA best practices 07252018.docx  
**Attachments:** Draft email from Matt FOIA best practices 07252018.docx

**Importance:** High

Colleagues,

We have been asked by Matt to develop a communication and best practices piece for Matt to react to. Deadline is this Friday. Attached is a draft of the communications piece composed by the “committee of the whole” of the FEAT (including me), and a “best practices” piece that accept the entire responsibility for (i.e., don’t blame anyone else).

Your immediate input is eagerly anticipated. All ideas will be considered. This is our opportunity to ask for the world (I am paraphrasing Elise).

Have at it and please get back to me by no later than 3:30 PM tomorrow so I can share it with Elise as our 4:30 PM meeting.

Thanks,

Neil

Message

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**From:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Sent:** 4/18/2018 6:45:21 PM  
**To:** Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** FOIA Policy - 2018 update - Comments  
**Attachments:** FOIA Policy - 2018 update - No template.docx

Larry,

Here is the revised FOIA Policy for your review and comment.

Thanks, Wendy  
*Wendy Schumacher, Ph.D., PMP*  
**National FOIA Office**  
**Government Information Specialist**  
**(202) 566-2513**  
email: schumacher.wendy@epa.gov

Message

---

**From:** Dolph, Becky [Dolph.Becky@epa.gov]  
**Sent:** 2/27/2018 10:23:29 PM  
**To:** OGC FEAT [OGC\_FEAT@epa.gov]  
**CC:** Blake, Wendy [Blake.Wendy@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** FOIA Facts and Figures  
**Attachments:** FOIA Reorganization. Facts and Figures. GC Briefing Document.docx

FEAT colleagues – sorry I was out of pocket this afternoon but was busy preparing briefing materials for Matt for GC White House meeting he has on Thursday. We had pre-brief with him at 4 and materials had to go in his binder this evening. While the reorg was the impetus for the briefing, among the info he requested were some facts/figures re: FOIA. You may be interested in the attached info pulled together by Wendy, Larry and me this afternoon.

Thanks,  
Becky

Becky Dolph | Director, FOIA Expert Assistance Team Office  
U.S. Environmental Protection Agency  
Office of General Counsel | 7309B WJCN | 202-564-5771

Message

---

**From:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Sent:** 2/27/2018 3:12:01 PM  
**To:** Edstrom, Cathy [Edstrom.Cathy@epa.gov]  
**CC:** Gottesman, Larry [Gottesman.Larry@epa.gov]; Errickson, April [Errickson.April@epa.gov]; Maazoum, Aicha [Maazoum.Aicha@epa.gov]; Boltik, Sam [Boltik.Sam@epa.gov]; Hanrahan, Mark S [MHANRAHAN@asrcfederal.com]  
**Subject:** FOIA Mtg Agenda March 2018.docx  
**Attachments:** FOIA Mtg Agenda March 2018.docx; FOIA Lean Event OutBrief.pptx

Cathy,

Please post the attached agenda for March 2018 at: <http://intranet.epa.gov/foia/monthly-meeting-agenda.html>

There is also an attachment.

Thanks, Wendy

Message

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**From:** Epp, Timothy [Epp.Timothy@epa.gov]  
**Sent:** 9/20/2018 1:13:26 PM  
**To:** Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** Re: FOIA Policy - revision

Thanks.

Sent from my iPhone

On Sep 20, 2018, at 9:13 AM, Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)> wrote:

No, just the draft.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

---

**From:** Epp, Timothy  
**Sent:** Wednesday, September 19, 2018 8:39 AM  
**To:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** RE: FOIA Policy - revision

Thanks Larry. Were there any briefing papers providing options and explaining reasoning?

Timothy R. Epp  
Acting Director, National FOIA Office  
Acting Associate General Counsel  
Pesticides & Toxic Substances Law Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

---

**From:** Gottesman, Larry  
**Sent:** Tuesday, September 18, 2018 1:07 PM  
**To:** Epp, Timothy <[Epp.Timothy@epa.gov](mailto:Epp.Timothy@epa.gov)>  
**Subject:** FW: FOIA Policy - revision

Tim-

Attached is the draft Policy that was sent to Jonda Byrd, our Division Director in OEI. Wendy had staff the update. I have not looked at it since we were reorganized.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

---

**From:** Schumacher, Wendy  
**Sent:** Wednesday, May 03, 2017 4:06 PM  
**To:** Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Cc:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** FOIA Policy - revision

Jonda,

Pam gave me a new template this morning. She wants a track changes version which is attached.

Please let me know if you approve or have any changes.

Thanks, Wendy

---

**From:** Schumacher, Wendy  
**Sent:** Wednesday, February 22, 2017 4:13 PM  
**To:** Byrd, Jonda <[byrd.jonda@epa.gov](mailto:byrd.jonda@epa.gov)>  
**Cc:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** FOIA Policy - revision

Jonda,

Here is the draft revision to the FOIA Policy and the OEI Directive Initiation Form for your review.

Please let me know if you have any changes.

Thanks, Wendy

*Wendy Schumacher, Ph.D., PMP*  
**Government Information Specialist**  
**Office of Environmental Information**  
**FOIA, Libraries & Accessibility Division**  
**(202) 566-2513**  
**email:** [schumacher.wendy@epa.gov](mailto:schumacher.wendy@epa.gov)

Message

---

**From:** Poole, Laura [Poole.Laura@epa.gov]  
**Sent:** 2/24/2018 12:14:49 AM  
**To:** Gottesman, Larry [Gottesman.Larry@epa.gov]; Clarke, Victoria [clarke.victoria@epa.gov]; Moumbleaux, Joan [moumbleaux.joan@epa.gov]; Hammitt, Jennifer [Hammitt.Jennifer@epa.gov]; Kelly, Lynn [Kelly.Lynn@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]; Thompson, BrianK [Thompson.BrianK@epa.gov]; Crawford, Tim [Crawford.Tim@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Evanko, Peter [Evanko.Peter@epa.gov]; Kercheval, Stephanie [Kercheval.Stephanie@epa.gov]; Engels, Alan [engels.alan@epa.gov]; Wheatley, Jessica [wheatley.jessica@epa.gov]; Busterud, Gretchen [Busterud.Gretchen@epa.gov]; Price, Lisa [Price.Lisa@epa.gov]; Blake, Wendy [Blake.Wendy@epa.gov]; Saltman, Tamara [Saltman.Tamara@epa.gov]; Dolph, Becky [Dolph.Becky@epa.gov]  
**CC:** DeBell, Kevin [debell.kevin@epa.gov]  
**Subject:** FOIA Slides  
**Attachments:** FOIA Lean Event OutBrief.pptx; ATT00001.htm

Good Evening,

Please find attached the slides from today's briefing. Thank you again for your enthusiastic participation in this weeks event. You all generated some great ideas and I look forward to working with you as we move forward.

Have a great weekend,  
Laura

Sent from my iPhone

Begin forwarded message:

**From:** "GM Sieber" <[gmsieber@msipros.com](mailto:gmsieber@msipros.com)>  
**To:** "Poole, Laura" <[Poole.Laura@epa.gov](mailto:Poole.Laura@epa.gov)>  
**Subject:** FOIA Slides

Here you go. I will follow up with the Excel and process maps.

**G. M. Sieber**  
President  
**MSI**  
Management Science and Innovation  
P: 703-437-5236 x111  
F: 703-995-0667  
<http://www.MSIPROS.com>  
**Follow us on Linked In**  
Or  
**Check out my Blog**

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## Appointment

---

**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/18/2018 5:47:48 PM  
**CC:** Mendez, Gayla [Mendez.Gayla@epa.gov]; White, Elizabeth [white.elizabeth@epa.gov]; Richardson, RobinH [Richardson.RobinH@epa.gov]; Grantham, Nancy [Grantham.Nancy@epa.gov]  
**Subject:** FOIA Coordinators/Officers meeting  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx  
**Location:** DCRoomARN6500PolyPCTB/DC-ARN-OAR  
**Start:** 12/18/2018 6:00:00 PM  
**End:** 12/18/2018 8:00:00 PM  
**Show Time As:** Tentative

Call in number

Ex. 6 Personal Privacy (PP)

Conf code

Ex. 6 Personal Privacy (PP)



## Appointment

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/7/2018 8:04:25 PM  
**To:** Martinez, Doris [Martinez.Doris@epa.gov]; Stanton, Rachel [stanton.rachel@epa.gov]  
**Subject:** FW: FOIA Coordinators/Officers meeting  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx  
**Location:** DCRoomARN6500PolyPCTB/DC-ARN-OAR  
**Start:** 12/18/2018 6:00:00 PM  
**End:** 12/18/2018 8:00:00 PM  
**Show Time As:** Tentative

-----Original Appointment-----

**From:** Gottesman, Larry  
**Sent:** Friday, December 07, 2018 12:04 PM  
**To:** Gottesman, Larry; FOIA Coordinators; FOIA Coordinators Alt; FOIA Officers Alt; Info Attys; Tran, Victoria; OGC NFO; Ingram, Earl; Lubetsky, Jonathan; Espinoza, Ana; Zipf, Lynn  
**Cc:** Campbell, Rich; Armstrong, Kathy; Newman, Maya; Clark, Jacqueline; Albergottie, Daniele; Azad, Ava; Badalamente, Mark; Barnes, Cassandra; Battle, Jernell; Bunnell, Julia; Dalzell, Sally; Johnson, Natalie; Miles, James; Pettiford, Isabelle; Powell-Dickson, Antoinette; Reid, Danesha; Seaton, Tom; Spriggs, Gwendolyn; Werner, Jacqueline; Wilson, Dane; Stoy, Alyse; Story, Karen; Adkins, Norman; McLendon, Wanda; Clarke, Victoria; Kaminer, Joan; Gardner, Allison; Wood, Nicole; Lao, Judy; Gross, Louann; Palmer, Leif; Allen, Robin; Capel, Susan; Caplan, Robert W.; Hines, Andrea; Johnson, Patrick; Johnson, Priscilla; Jones, LaShandra; Luetscher, Greg; Mendez, Gayla; Rouch, Ellen; Wilson, Saundi; Cody, Karen; Cruver, Melvin; Dangerfield, Leonard; Patillo, Shayla; Pearce, Jennifer; Pressley, Miriam; Robinson, Donna; Woodard-Burrell, Gwendolyn; Leon, Sandra; Fritz, Frank; Bacci, Manuela  
**Subject:** FOIA Coordinators/Officers meeting  
**When:** Tuesday, December 18, 2018 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomARN6500PolyPCTB/DC-ARN-OAR

We are having a joint FOIA Coordinators and Offices meeting for the month of December.

The focus of this meeting will be to discuss and answer any questions you have concerning the attached documents.

The call in number will be: **Ex. 6 Personal Privacy (PP)**

Please feel free to share this invite with your FOIA professionals.

Please let me know if you have any questions.

Thank you.

Larry Gottesman

Message

---

**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/7/2018 7:45:38 PM  
**To:** Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** 2018-005577  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx

Please follow that attached procedures.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/11/2018 8:03:56 PM  
**To:** Wheatley, Jessica [wheatley.jessica@epa.gov]  
**Subject:** 2018-009624  
**Attachments:** Awareness Notification e-mail template 11272018 Final (003).docx; FOIA Efficiency Memo.pdf

Please follow the attached procedures.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/7/2018 7:43:58 PM  
**To:** Martinez, Doris [Martinez.Doris@epa.gov]  
**CC:** Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** 2018-011834  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx

Please follow that attached instruction.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

## Appointment

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/7/2018 5:04:24 PM  
**To:** FOIA Coordinators [FOIA\_Coordinators@epa.gov]; FOIA Coordinators Alt [FOIA\_Coordinators\_Alt@epa.gov]; FOIA Officers Alt [FOIAOfficers-Alt@epa.gov]; Info Attys [Info\_Attys@epa.gov]; Tran, Victoria [tran.victoria@epa.gov]; OGC NFO [OGC-NFO@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]; Lubetsky, Jonathan [Lubetsky.Jonathan@epa.gov]; Espinoza, Ana [Espinoza.Ana@epa.gov]; Zipf, Lynn [Zipf.Lynn@epa.gov]  
**BCC:** DCRoomARN6500PolyPCTB/DC-ARN-OAR [DCRoomARN6500PolyPCTB@epa.gov]  
**Subject:** FOIA Coordinators/Officers meeting  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx  
**Location:** DCRoomARN6500PolyPCTB/DC-ARN-OAR  
**Start:** 12/18/2018 6:00:00 PM  
**End:** 12/18/2018 8:00:00 PM  
**Show Time As:** Tentative

We are having a joint FOIA Coordinators and Offices meeting for the month of December.

The focus of this meeting will be to discuss and answer any questions you have concerning the attached documents.

The call in number will be Ex. 6 Personal Privacy (PP) **Conference code** Ex. 6 Personal Privacy (PP)

Please feel free to share this invite with your FOIA professionals.

Please let me know if you have any questions.

Thank you.

Larry Gottesman

## Appointment

---

**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/11/2018 5:47:32 PM  
**To:** FOIA Officers [FOIAOfficers@epa.gov]; FOIA Officers Alt [FOIAOfficers-Alt@epa.gov]  
**Subject:** FW: FOIA Coordinators/Officers meeting  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx  
**Location:** DCRoomARN6500PolyPCTB/DC-ARN-OAR  
  
**Start:** 12/18/2018 6:00:00 PM  
**End:** 12/18/2018 8:00:00 PM  
**Show Time As:** Tentative

-----Original Appointment-----

**From:** Gottesman, Larry  
**Sent:** Friday, December 07, 2018 12:04 PM  
**To:** Gottesman, Larry; FOIA Coordinators; FOIA Coordinators Alt; FOIA Officers Alt; Info Attys; Tran, Victoria; OGC NFO; Ingram, Earl; Lubetsky, Jonathan; Espinoza, Ana; Zipf, Lynn  
**Cc:** Campbell, Rich; Armstrong, Kathy; Newman, Maya; Clark, Jacqueline; Albercott, Daniele; Azad, Ava; Badalamente, Mark; Barnes, Cassandra; Battle, Jernell; Bunnell, Julia; Dalzell, Sally; Johnson, Natalie; Miles, James; Pettiford, Isabelle; Powell-Dickson, Antoinette; Reid, Danesha; Seaton, Tom; Spriggs, Gwendolyn; Werner, Jacqueline; Wilson, Dane; Stoy, Alyse; Story, Karen; Adkins, Norman; McLendon, Wanda; Clarke, Victoria; Kaminer, Joan; Gardner, Allison; Wood, Nicole; Lao, Judy; Gross, Louann; Palmer, Leif; Allen, Robin; Capel, Susan; Caplan, Robert W.; Hines, Andrea; Johnson, Patrick; Johnson, Priscilla; Jones, LaShandra; Luetscher, Greg; Mendez, Gayla; Rouch, Ellen; Wilson, Saundi; Cody, Karen; Cruver, Melvin; Dangerfield, Leonard; Patillo, Shayla; Pearce, Jennifer; Pressley, Miriam; Robinson, Donna; Woodard-Burrell, Gwendolyn; Leon, Sandra; Fritz, Frank; Bacci, Manuela; Martinez, Doris; Stanton, Rachel; Mendez, Gayla; Williams, LaShawn; Green, LindaE; Edgell, Joe; Matthews, Julie; Barnett-Owens, Inga; Stallworth, Deirdre; Walker, Denise; Kennedy, Chandra  
**Subject:** FOIA Coordinators/Officers meeting  
**When:** Tuesday, December 18, 2018 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomARN6500PolyPCTB/DC-ARN-OAR

Call in number: Ex. 6 Personal Privacy (PP)

Conf code: Ex. 6 Personal Privacy (PP)

Message

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**From:** Epp, Timothy [Epp.Timothy@epa.gov]  
**Sent:** 12/11/2018 2:52:41 PM  
**To:** Blake, Wendy [Blake.Wendy@epa.gov]; Youngblood, Charlotte [Youngblood.Charlotte@epa.gov]; Walker, Denise [Walker.Denise@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** FOIA fact sheet for Admin Confirmation Hearing Prep  
**Attachments:** OGC-4 FOIA Fact Sheet clean.docx

Hi Wendy, Charlotte, Denise, and Larry,

Please take a look at this fact sheet for the Administrator Confirmation Hearing Prep. Can you get any comments back to me by COB today?

Thanks,  
Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/6/2018 9:13:40 PM  
**To:** Info Attys [Info\_Attys@epa.gov]  
**Subject:** FW: FOIA meeting  
**Attachments:** FW: FOIA meeting; Awareness Notification e-mail template 11272018 Final (003).docx

FOIA Office/Coordinator meeting regarding the Awareness Notification Process. Please see attached.

Please feel free to attend.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)



## Appointment

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**From:** Person, Linda [Person.Linda@epa.gov]  
**Sent:** 11/29/2018 6:24:51 PM  
**To:** Thompson, BrianK [Thompson.BrianK@epa.gov]; Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** FW: FOIA meeting  
**Attachments:** FOIA Efficiency Memo.pdf  
**Location:** DCRoomARN6013/DC-Ariel-Rios-OGC  
  
**Start:** 12/12/2018 6:00:00 PM  
**End:** 12/12/2018 7:30:00 PM  
**Show Time As:** Tentative

-----Original Appointment-----

**From:** Gottesman, Larry  
**Sent:** Thursday, November 29, 2018 1:14 PM  
**To:** Gottesman, Larry; FOIA Coordinators; FOIA Coordinators Alt; FOIA Officers; FOIA Officers Alt; OGC NFO  
**Subject:** FW: FOIA meeting  
**When:** Wednesday, December 12, 2018 1:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomARN6013/DC-Ariel-Rios-OGC

This month we are having a joint FOIA Officers and FOIA Coordinator's meeting. I will send out an adobe connect next week, so you can join in that way.

Call in number is:  
Conf code:

Ex. 6 Personal Privacy (PP)

For those of you in the DC area please join us in WJCN 6013. This is in the connecting wing between the North and South Buildings.

New Meeting Agenda:

The topics for the meeting is the Awareness Notification Process as set out in Ryan Jackson's memorandum of November 16, 2018. We will also be providing a demonstration of how to run reports in FOIAonline using the advanced search function.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/18/2018 9:18:42 PM  
**To:** Johnson, Ivry [Johnson.Ivry@epa.gov]  
**Subject:** R9-2018-007355  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx

Please complete and send for Awareness Notification.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/10/2018 6:27:30 PM  
**To:** Johnson, Ivry [Johnson.Ivry@epa.gov]  
**Subject:** R9-2018-007355  
**Attachments:** Awareness Notification e-mail template 11272018 Final (003).docx; FOIA Efficiency Memo.pdf

Please follow the attached proves. Even though it is duplicate you need to complete the process per attached memo.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/30/2019 4:42:03 PM  
**To:** No, Fredrick [No.Fredrick@epa.gov]  
**CC:** Newton, Jonathan [Newton.Jonathan@epa.gov]  
**Subject:** 2017-004296  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Please complete the process set out in the attached for the subject request.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 2/4/2019 9:07:18 PM  
**To:** Latham, John [Latham.John@epa.gov]  
**Subject:** FW: 2018-007934  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx

Any update on getting the notice out?

---

**From:** Gottesman, Larry  
**Sent:** Tuesday, December 11, 2018 5:04 PM  
**To:** Latham, John <Latham.John@epa.gov>  
**Subject:** RE: 2018-007934

Have to follow the new process.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

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**From:** Latham, John  
**Sent:** Tuesday, December 11, 2018 4:06 PM  
**To:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** 2018-007934

Hi Larry,

I tried to close this out, but you're listed as an reviewer. I notified the requestor that we do not have responsive records for this request. Can you close this out?

Thanks,  
John Latham Jr.  
Environmental Protection Agency  
OCSP/OPPT/EAD/OB (7408M)  
1200 Pennsylvania Ave NW  
Washington, DC 20460  
Ph: 202-564-6754  
Fax: 202-564-8197

## Appointment

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/12/2018 8:59:56 PM  
**To:** Thompson, Heather [Thompson.Heather@epa.gov]; Thompson, BrianK [Thompson.BrianK@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]; Kaminer, Joan [Kaminer.Joan@epa.gov]; Miller, Kevin [Miller.Kevin@epa.gov]  
**Subject:** FW: FOIA Coordinators/Officers meeting  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx  
**Location:** DCRoomARN6500PolyPCTB/DC-ARN-OAR  
**Start:** 12/18/2018 6:00:00 PM  
**End:** 12/18/2018 8:00:00 PM  
**Show Time As:** Tentative

-----Original Appointment-----

**From:** Gottesman, Larry  
**Sent:** Friday, December 07, 2018 12:04 PM  
**To:** Gottesman, Larry; FOIA Coordinators; FOIA Coordinators Alt; FOIA Officers Alt; Info Attys; Tran, Victoria; OGC NFO; Ingram, Earl; Lubetsky, Jonathan; Espinoza, Ana; Zipf, Lynn  
**Cc:** Campbell, Rich; Armstrong, Kathy; Newman, Maya; Clark, Jacqueline; Albergottie, Daniele; Azad, Ava; Badalamente, Mark; Barnes, Cassandra; Battle, Jernell; Bunnell, Julia; Dalzell, Sally; Johnson, Natalie; Miles, James; Pettiford, Isabelle; Powell-Dickson, Antoinette; Reid, Danesha; Seaton, Tom; Spriggs, Gwendolyn; Werner, Jacqueline; Wilson, Dane; Stoy, Alyse; Story, Karen; Adkins, Norman; McLendon, Wanda; Clarke, Victoria; Kaminer, Joan; Gardner, Allison; Wood, Nicole; Lao, Judy; Gross, Louann; Palmer, Leif; Allen, Robin; Capel, Susan; Caplan, Robert W.; Hines, Andrea; Johnson, Patrick; Johnson, Priscilla; Jones, LaShandra; Luetscher, Greg; Mendez, Gayla; Rouch, Ellen; Wilson, Saundi; Cody, Karen; Cruver, Melvin; Dangerfield, Leonard; Patillo, Shayla; Pearce, Jennifer; Pressley, Miriam; Robinson, Donna; Woodard-Burrell, Gwendolyn; Leon, Sandra; Fritz, Frank; Bacci, Manuela; Martinez, Doris; Stanton, Rachel; Mendez, Gayla; Williams, LaShawn; Green, LindaE; Edgell, Joe; Matthews, Julie; Barnett-Owens, Inga; Stallworth, Deirdre; Walker, Denise; Kennedy, Chandra; FOIA Officers; Johnson, Ivry; Wheatley, Jessica; Kirst, Tina; Adams, Janet; Bayless, Shirley; Bradford, Deanna; Brown, Dorothy; Donaldson, Yerusha; Ford, Mark; Gonzales, Kristina; Johnson, LaGayla; Kersey, Ricky; Lane, Leticia; Langley, Shirley; Morgan, Jeanette; Ortiz, Diana; Pemberton, Mary; Ragon, Derek; Rymer, Edwina; Sloan, Charlene; Thurman, Joyce; Trim, JEWELINE; Vasquez, Maria; Vaughn, Lorena; Wang, Jonathan; Tate, Rita; Calderon, Wanda; Stevens, Edie; Schena, Cristeen; Kercheval, Stephanie; Knapp, Michael; Brown, Sineta; Herrema, Jeffrey; Connery, Shannon; Gupta, Kaushal; Ho, Nancy; Busterud, Gretchen; Levine, Scott; Salisbury, Demetra; Sandfoss, Kristina; Moubleaux, Joan; Rementer, Nicole; Schumacher, Wendy; Clausen, Rebecca; Ocampo, William; Pearce, Susan; Ramsey, Ashley; Susan Hazen; Smith, Susan; Latham, John; Calvo, Kathy; Cestone, Paul; Frazier, Sharon; Ballard, Darryl; Sirmons, Chandler; Sherlock, Scott; Hill, Kevin W.; Boydston, Michael; Engels, Alan; Aldinger, Dayle; Joffe, Brian; Howell, Joyce  
**Subject:** FOIA Coordinators/Officers meeting  
**When:** Tuesday, December 18, 2018 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomARN6500PolyPCTB/DC-ARN-OAR

**Call in number**

**Conf code**

Ex. 6 Personal Privacy (PP)

Appointment

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/12/2018 2:07:12 PM  
**To:** Latham, John [Latham.John@epa.gov]; Ingram, Earl [Ingram.Earl@epa.gov]  
**Subject:** FW: FOIA Coordinators/Officers meeting  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (003).docx  
**Location:** DCRoomARN6500PolyPCTB/DC-ARN-OAR  
  
**Start:** 12/18/2018 6:00:00 PM  
**End:** 12/18/2018 8:00:00 PM  
**Show Time As:** Tentative

-----Original Appointment-----

**From:** Gottesman, Larry  
**Sent:** Friday, December 07, 2018 12:04 PM  
**To:** Gottesman, Larry; FOIA Coordinators; FOIA Coordinators Alt; FOIA Officers Alt; Info Attys; Tran, Victoria; OGC NFO; Ingram, Earl; Lubetsky, Jonathan; Espinoza, Ana; Zipf, Lynn  
**Cc:** Campbell, Rich; Armstrong, Kathy; Newman, Maya; Clark, Jacqueline; Albercott, Daniele; Azad, Ava; Badalamente, Mark; Barnes, Cassandra; Battle, Jernell; Bunnell, Julia; Dalzell, Sally; Johnson, Natalie; Miles, James; Pettiford, Isabelle; Powell-Dickson, Antoinette; Reid, Danesha; Seaton, Tom; Spriggs, Gwendolyn; Werner, Jacqueline; Wilson, Dane; Stoy, Alyse; Story, Karen; Adkins, Norman; McLendon, Wanda; Clarke, Victoria; Kaminer, Joan; Gardner, Allison; Wood, Nicole; Lao, Judy; Gross, Louann; Palmer, Leif; Allen, Robin; Capel, Susan; Caplan, Robert W.; Hines, Andrea; Johnson, Patrick; Johnson, Priscilla; Jones, LaShandra; Luetscher, Greg; Mendez, Gayla; Rouch, Ellen; Wilson, Saundi; Cody, Karen; Cruver, Melvin; Dangerfield, Leonard; Patillo, Shayla; Pearce, Jennifer; Pressley, Miriam; Robinson, Donna; Woodard-Burrell, Gwendolyn; Leon, Sandra; Fritz, Frank; Bacci, Manuela; Martinez, Doris; Stanton, Rachel; Mendez, Gayla; Williams, LaShawn; Green, LindaE; Edgell, Joe; Matthews, Julie; Barnett-Owens, Inga; Stallworth, Deirdre; Walker, Denise; Kennedy, Chandra; FOIA Officers; Johnson, Ivry; Wheatley, Jessica; Kirst, Tina; Adams, Janet; Bayless, Shirley; Bradford, Deanna; Brown, Dorothy; Donaldson, Yerusha; Ford, Mark; Gonzales, Kristina; Johnson, LaGayla; Kersey, Ricky; Lane, Leticia; Langley, Shirley; Morgan, Jeanette; Ortiz, Diana; Pemberton, Mary; Ragon, Derek; Rymer, Edwina; Sloan, Charlene; Thurman, Joyce; Trim, JEWELINE; Vasquez, Maria; Vaughn, Lorena; Wang, Jonathan; Tate, Rita; Calderon, Wanda; Stevens, Edie; Schena, Cristeen; Kercheval, Stephanie; Knapp, Michael; Brown, Sineta; Herrema, Jeffrey; Connery, Shannon; Gupta, Kaushal; Ho, Nancy; Busterud, Gretchen; Levine, Scott; Salisbury, Demetra; Sandfoss, Kristina; Moubleaux, Joan; Rementer, Nicole; Schumacher, Wendy; Clausen, Rebecca; Ocampo, William; Pearce, Susan; Ramsey, Ashley; Susan Hazen; Smith, Susan  
**Subject:** FOIA Coordinators/Officers meeting  
**When:** Tuesday, December 18, 2018 1:00 PM-3:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomARN6500PolyPCTB/DC-ARN-OAR

Call in number  
Conf code

Ex. 6 Personal Privacy (PP)



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/3/2018 9:29:57 PM  
**To:** Yeow, Aaron [Yeow.Aaron@epa.gov]  
**CC:** Johnston, Khanna [Johnston.Khanna@epa.gov]; Brennan, Thomas [Brennan.Thomas@epa.gov]  
**Subject:** RE: FOIA Awareness Reviews  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx

Attached is the template.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

---

**From:** Yeow, Aaron  
**Sent:** Monday, December 03, 2018 4:09 PM  
**To:** Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Cc:** Johnston, Khanna <Johnston.Khanna@epa.gov>; Brennan, Thomas <Brennan.Thomas@epa.gov>  
**Subject:** FOIA Awareness Reviews

Larry,

We see you that you are a reviewer for EPA-HQ-2019-000642 and EPA-HQ-2019-000643. Does this mean that these are flagged for awareness review? If so, who is it supposed to go to for awareness review?

-Aaron

Aaron Yeow, M.P.H.  
Designated Federal Officer  
U.S. Environmental Protection Agency  
Science Advisory Board  
202-564-2050 (P)  
202-565-2098 (F)

Mailing Address:  
USEPA, 1200 Pennsylvania Avenue, NW, (1400R), Washington, DC 20460

Physical Location/Deliveries:  
1300 Pennsylvania Avenue, NW, Suite 31150, Washington, DC 20004



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/14/2018 3:27:46 PM  
**To:** Jackson, Mildred [Jackson.Mildred@epa.gov]  
**CC:** Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** FW: Freedom of Information Act Request EPA-HQ-2018-006762  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Have you followed these procedures?

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

---

**From:** Jackson, Mildred  
**Sent:** Friday, December 14, 2018 9:42 AM  
**To:** Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Subject:** Freedom of Information Act Request EPA-HQ-2018-006762

Good morning, Larry. Just checking to see when you will be able to complete the review of FOIA case number EPA-HQ-2018-006762.

Respectfully,

Mildred A. Jackson  
Government Information Specialist  
Office of Acquisition Solutions  
Policy, Training and Oversight Division  
Management Support Branch  
FOIA Team (3802R)

---

**From:** Jackson, Mildred  
**Sent:** Thursday, November 29, 2018 12:57 PM  
**To:** Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Cc:** Long, Brian <Long.Brian@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>  
**Subject:** Freedom of Information Act Request EPA-HQ-2018-006762

Good afternoon, Larry. I am checking to see when you will complete the review of FOIA case number EPA-HQ-2018-006762. It has been setting in FOIAonline since June 7, 2018. I would like to close this out in the system. Please get back with me.

Respectfully,

Mildred A. Jackson  
Government Information Specialist  
Office of Acquisition Solutions  
Policy, Training and Oversight Division  
Management Support Branch  
FOIA Team (3802R)

Message

---

**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/30/2019 4:44:47 PM  
**To:** Purifoy, Tiffany [Purifoy.Tiffany@epa.gov]  
**Subject:** 2019-002105  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

Please complete the process set out in the attached,

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/30/2019 4:36:37 PM  
**To:** Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** 2018-010610  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

I did not see the process followed on this request. If I missed it let me know.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/30/2019 4:31:18 PM  
**To:** Calderon, Wanda [Calderon.Wanda@epa.gov]  
**Subject:** R2-2019-001391  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

Please follow that attached process for this request.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/30/2019 4:29:03 PM  
**To:** Wheatley, Jessica [wheatley.jessica@epa.gov]  
**Subject:** 2017-008897  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

Please follow the attached process for completing this release.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-566-1667 (Main line)



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/30/2019 4:18:41 PM  
**To:** Latham, John [Latham.John@epa.gov]  
**Subject:** 2018-007934  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Here is the form and instructions.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/20/2018 9:17:02 PM  
**To:** Wheatley, Jessica [wheatley.jessica@epa.gov]  
**Subject:** R5-2017-008897  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

Please follow the attached procedures.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 2/4/2019 8:01:54 PM  
**To:** Hines, Andrea [hines.andrea@epa.gov]; Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Subject:** RE: : 2019-000026/0000025 and 2019-002086 (For close out)  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

I do not have the email notification you sent. Please send me the notification you sent and we can close out tasks.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

---

**From:** Hines, Andrea  
**Sent:** Monday, February 04, 2019 2:47 PM  
**To:** Schumacher, Wendy <schumacher.wendy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Subject:** RE: : 2019-000026/0000025 and 2019-002086 (For close out)

Wendy/Larry,

These requests were done before we got the notifications for awareness reviews. I sent you an email on 12/26/18 indicating that 19-000026 and 000025 were combined in one response along with the memo that was submitted. 19-002086 was also performed before the new notification awareness review and the memo was also done for that one. The memos were forwarded as we were instructed, however, according to Lawana, the reviewer tab is still open under Larry's name. Once Larry closes out his tab, Lawana says she can close out these 3 requests.

Hope this jogs your memory, I know we've been gone for a minute.

Thanks again. Let me know if I need Lawana to call you.

Andrea Hines  
FOIA and Records Management Section  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9698  
(404) 562-8054 (Fax)  
Email: [hines.andrea@epa.gov](mailto:hines.andrea@epa.gov)

---

**From:** Schumacher, Wendy  
**Sent:** Monday, February 4, 2019 2:24 PM  
**To:** Hines, Andrea <[hines.andrea@epa.gov](mailto:hines.andrea@epa.gov)>; Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>  
**Subject:** RE: : 2019-000026/0000025 and 2019-002086 (For close out)

Need more information.

*Wendy Schumacher, Ph.D., PMP*  
**National FOIA Office**  
**Government Information Specialist**  
**(202) 566-2513**  
**email:** [schumacher.wendy@epa.gov](mailto:schumacher.wendy@epa.gov)

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**From:** Hines, Andrea  
**Sent:** Monday, February 04, 2019 2:23 PM  
**To:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Schumacher, Wendy <[schumacher.wendy@epa.gov](mailto:schumacher.wendy@epa.gov)>  
**Subject:** : 2019-000026/0000025 and 2019-002086 (For close out)

Hello All,

These (3) requests were under the old awareness review. Our database personnel has been attempting to close them out, but cannot. Can you please advise.

Welcome back!

Thank you.

Andrea Hines  
FOIA and Records Management Section  
U.S. Environmental Protection Agency, Region 4  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-9698  
(404) 562-8054 (Fax)  
Email: [hines.andrea@epa.gov](mailto:hines.andrea@epa.gov)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/20/2018 11:03:33 PM  
**To:** Hill, Kevin W. [hill.kevinw@epa.gov]; Epp, Timothy [Epp.Timothy@epa.gov]  
**Subject:** RE: Withdrawn Requests  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx

Per conversation, here is the template.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-566-1667 (Main line)

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**From:** Hill, Kevin W.  
**Sent:** Thursday, December 20, 2018 6:01 PM  
**To:** Epp, Timothy <Epp.Timothy@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Subject:** Withdrawn Requests

Tim & Larry,

Can you provide guidance for me on when FOIA requests are withdrawn by the requester that have Larry as a reviewer?  
Is an awareness notification necessary?

## Ex. 5 Deliberative / Attorney Client (AC)

Regards,  
Kevin

Kevin W. Hill  
Attorney-Adviser  
U.S. Environmental Protection Agency  
Office of General Counsel  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Office: 202-564-1652  
[hill.kevinw@epa.gov](mailto:hill.kevinw@epa.gov)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 2/1/2019 9:57:40 PM  
**To:** Shenefiel, Pam [shenefiel.pam@epa.gov]  
**CC:** Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** EPA-HQ-2019-000240  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

Please follow the notification format/process set out in the attachment marked Awareness Notification e-mail template. I have also attached the FOIA Efficiency Memo for you information.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/21/2018 9:33:30 PM  
**To:** Corbett, Krysti [Corbett.Krysti@epa.gov]  
**CC:** Stanton, Rachel [stanton.rachel@epa.gov]; Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** EPA-HQ-2019-000729  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Please follow the attached procedures.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/21/2018 9:31:25 PM  
**To:** Wheatley, Jessica [wheatley.jessica@epa.gov]  
**CC:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Subject:** EPA-R5-2017-008897  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

Please follow the attached procedures.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-689-4588 (Mobile)  
202-566-1667 (Main line)



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/21/2018 9:28:07 PM  
**To:** Calderon, Wanda [Calderon.Wanda@epa.gov]  
**CC:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Subject:** EPA-R2-2019-001391  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Please follow the attached procedures.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/19/2018 3:15:09 PM  
**To:** Stanton, Rachel [stanton.rachel@epa.gov]  
**CC:** Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** EPA-HQ-2019-000728  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Please follow the attached process on the above referenced FOIA request.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/21/2018 9:25:50 PM  
**To:** Stevens, Edie [Stevens.Edie@epa.gov]  
**CC:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Subject:** EPA-HQ-2018-010610  
**Attachments:** Awareness Notification e-mail template 11272018 Final (002).docx; FOIA Efficiency Memo.pdf

Please follow the attached procedures.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 12/21/2018 9:23:54 PM  
**To:** No, Fredrick [No.Fredrick@epa.gov]  
**CC:** Newton, Jonathan [Newton.Jonathan@epa.gov]; Hope, Brian [Hope.Brian@epa.gov]  
**Subject:** EPA-HQ-2017-004296  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Please follow the attached procedures.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 8/23/2018 5:01:03 PM  
**To:** Sandfoss, Kristina [Sandfoss.Kristina@epa.gov]  
**Subject:** Fwd: Why FOIA Presentation - 2018 (Training) 1.pptx  
**Attachments:** Why FOIA Presentation - 2018 (Training) 1.pptx; ATT00001.htm; FOIA Training 8-23-18.pptx; ATT00002.htm

Larry F. Gottesman

Sent from my iPhone

Begin forwarded message:

**From:** "Gottesman, Larry" <Gottesman.Larry@epa.gov>  
**To:** "Marusak, Kirk" <Marusak.Kirk@epa.gov>  
**Subject:** FW: Why FOIA Presentation - 2018 (Training) 1.pptx

---

**From:** Gottesman, Larry  
**Sent:** Thursday, August 23, 2018 9:07 AM  
**To:** Scott, Raoul <Scott.Raoul@epa.gov>  
**Cc:** Brian Long <Long.Brian@epa.gov>  
**Subject:** Why FOIA Presentation - 2018 (Training) 1.pptx

Raoul-

I wish we should have been engaged earlier. I went through the training and made some edits, but if I had the time, I would have rewritten a lot of it. Attached is some training that was used by the Agency for basic FOIA Overview that may be helpful to the presenters.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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# INTRODUCTION TO FOIA

August 23, 2018

DELIBERATIVE

# OVERVIEW

- FOIA Is an Agency Priority
- Introduction to FOIA
  - FOIA Procedures
  - FOIA Exemptions
  - FOIA Review Principles

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# INTRODUCTION TO FOIA

July 5, 1966: President Lyndon Johnson signed the Freedom of Information Act into law.

FOIA provides any person with a right of access to federal agency records unless those records are protected from disclosure under the law.

FOIA is often described as a means for the public to know "what their Government is up to."

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# WHO MAY MAKE A FOIA REQUEST?

- “Any person” – regardless of citizenship
- Includes individuals, corporations, associations, state and local governments, foreign government, etc.

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## Exceptions

Fugitives from justice, if the requested records relate to the requester's fugitive status

Foreign governments requesting information from intelligence agencies

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# WHAT RECORDS ARE SUBJECT TO FOIA?

- **Agency Records**

- Two-part test:
  - (1) Created or obtained by agency;
  - AND
  - (2) Under agency control when request received
- The definition of a FOIA record is broader than the definition of a record under the Federal Records Act!

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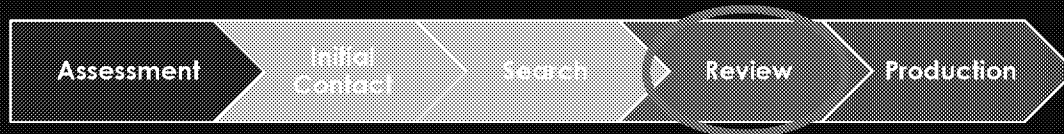
FOIA

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# PROCESSING A FOIA REQUEST

EPA has **20 working days** to respond to a FOIA request:

- ✓ Assess the request and contact requester for any clarification;
- ✓ Conduct an adequate search;
- ✓ Review potentially responsive records for application of any exemptions (withholdings)
- ✓ Produce all non-exempt documents or portions of documents



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# FOIA EXEMPTIONS— 5 U.S.C. § 552(b)

- (1) Classified Information
- (2) Internal Personnel Rules & Practices
- (3) Exempted by Other Statute
- (4) Confidential Business Information
- (5) Civil Discovery Privileges
- (6) Personal Privacy Information
- (7) Law Enforcement
- (8) Matters Related to Regulating or Supervising Financial Institutions
- (9) Wells

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## EXEMPTION 5

- The Discovery Privileges
- Protects "Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency."

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## EXEMPTION 5

- Step 1: Is the record an intra-agency or inter-agency communication?
- Step 2: Does a Discovery Privilege apply?
  - Deliberative Process Privilege
  - Attorney-Client Privilege
  - Work Product Privilege

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# EXEMPTION 5—STEP 1

- Step 1. Threshold Question:
  - Is the record an intra-agency or inter-agency communication?
    - Intra-Agency (EPA ↔ EPA)
    - Inter-Agency (EPA ↔ Dept. of Energy)
    - "Contractor Corollary" (EPA ↔ Contractor)
    - "Common Interest Doctrine" (EPA ↔ Party w/ Common Interest)
  - If yes, move to Step 2
  - If not intra- or inter-agency, you cannot assert Exemption 5

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## EXEMPTION 5—STEP 2

- Step 2. Does a Discovery Privilege Apply?
  - Deliberative Process Privilege
  - Attorney-Client Privilege
  - Work Product Privilege

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## EXEMPTION 5– STEP 2 *DELIBERATIVE PROCESS PRIVILEGE*

- Look Out For This: “I believe” “In my opinion”
- (A) Must Be Pre-Decisional
  - what is the decision?
- (B) Must Be Deliberative
  - “the give-and-take of consultative process”

| Potentially Deliberative                                                                                                                                                                                     | Not Deliberative                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• potential courses of action discussing</li><li>• considering responses to public inquiry</li><li>• draft rule-making document</li><li>• options memorandum</li></ul> | <ul style="list-style-type: none"><li>• purely factual information</li><li>• final decision</li><li>• publicly available</li></ul> |

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## EXEMPTION 5– STEP 2 *DELIBERATIVE PROCESS PRIVILEGE*

- (C) Purposes:
  - encourage open, frank discussions
  - protect against premature disclosure of proposed policies before adoption, and
  - protect against public confusion that might result from disclosure.

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## EXEMPTION 5– *REMINDER*

- Step 1: Intra-agency or inter-agency communication?
- Step 2: Does a Discovery Privilege apply?
  - Deliberative Process Privilege
  - Attorney-Client Privilege
  - Attorney Work-Produce Privilege

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## EXEMPTION 5—STEP 2 ATTORNEY-CLIENT PRIVILEGE

- Look Out For This: “OGC” “DOJ” “Attorney-Advisor”
- Concerns confidential communications between an attorney and the attorney's client relating to a legal matter for which the client has sought professional advice
- (A) Confidential
  - information is confidential (not necessarily the subject matter)
- (B) Client
  - May be those with decision-making authority
  - May be those who have information that may be necessary to inform the attorney's recommendation

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## EXEMPTION 5– STEP 2 ATTORNEY WORK-PRODUCT PRIVILEGE

- Look Out For This: “OGC” “DOJ” “Attorney-Advisor”
- The work product privilege protects material:
  - (A) prepared by, or at the direction of, an attorney
  - (B) in reasonable anticipation of litigation.
    - Does not apply until articulable claim likely to lead to litigation has arisen
- May apply to records relating to:
  - Civil and criminal litigation
  - Administrative proceedings
  - Efforts to settle claims

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## EXEMPTION 5— *REMINDER*

- Step 1: Intra-agency or inter-agency communication?
- Step 2: Does a Discovery Privilege apply?
  - Deliberative Process Privilege
    - "In my opinion"
    - (Pre-Decisional, Deliberative, Purpose)
  - Attorney-Client Privilege
    - (Confidential, Attorney-Client)
  - Attorney Work-Product Privilege
    - (Attorney, Litigation)

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## EXEMPTION 6 – *PERSONAL PRIVACY*



- Step 1 -- Threshold
- Step 2 -- Privacy interest
- Step 3 -- Public Interest
- Step 4 -- Balancing

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## EXEMPTION 6 – STEP 1: *THRESHOLD*

Exemption 6 protects  
personal information

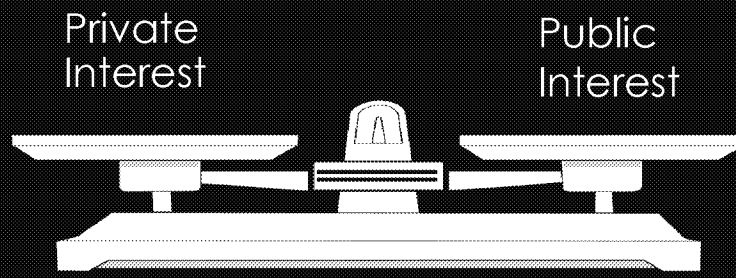
“personnel and medical files and similar files”  
when disclosure of such information  
“would constitute a clearly unwarranted invasion  
of personal privacy.”

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# EXEMPTION 6 – *BALANCING* *TEST*



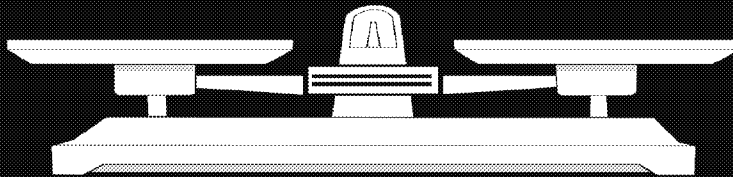
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## EXEMPTION 6 – STEP 2: *PRIVACY INTEREST*

Privacy broadly encompasses an individual's control of information concerning his or her person

*Personally Identifiable Information (PII)* must be protected

Name, address, phone number, SSN, DOB, criminal history, medical history



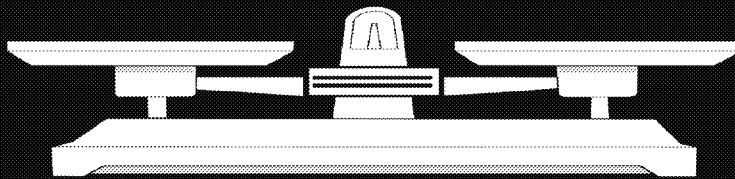
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## EXEMPTION 6 – STEP 3: *PUBLIC INTEREST*

Does the information shed light on an agency's performance of its statutory duties?

The burden is on the requester to show a public interest.

The requester's private need for the information is irrelevant.



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## EXEMPTION 6 – *EXAMPLES OF PRIVACY INTERESTS*

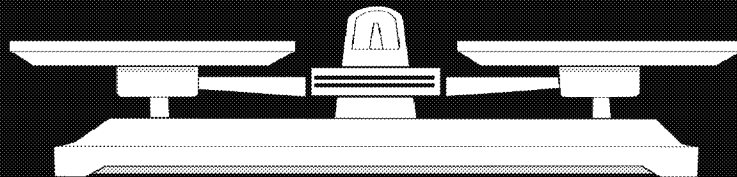
- **Do civilian federal employees have privacy rights?**
  - Yes, but some information does not get protection
  - Name, position titles, occupational series, grade, duty station, annual salary, performance awards
- **Do public figures have privacy rights?**
  - Yes, but they may have diminished privacy rights.
- **Do corporations have privacy rights?**
  - Usually no.
- **Does an individual's privacy interest fade over time?**
  - No, but there is one exception.

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## EXEMPTION 6 – OTHER EXAMPLES

- Email from a coworker " Here's a photo of my cat, isn't he cute?"
- Email from your coworker's account [suzya@gmail.com](mailto:suzya@gmail.com)
- Email from your EPA supervisor with a cell phone number in the email body
- Other Examples
- Questions?



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# EXEMPTION 7

- Law Enforcement Exemptions
- Protects from disclosure "**records or information compiled for law enforcement purposes**" where such disclosure meets the standard set forth in one of six subsections under Exemption 7.

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## EXEMPTION 7– *THRESHOLD ISSUE*

- “Records or information compiled for law enforcement purposes”
  - Focus on why the information was collected or compiled
- Does not have to be originally compiled for law enforcement purposes
  - But ... should be compiled for law enforcement purposes at the time of the FOIA request

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## EXEMPTION 7– *EXAMPLES OF LAW ENFORCEMENT RECORDS*

- Information collected by EPA Special Agents as part of a criminal investigation
- Documents created as part of a civil or criminal enforcement proceeding
- Information collected as part of a background security investigation
- Memoranda and notes created as part of an employment discrimination investigation

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## EXEMPTION 7 – SUBSECTIONS

- A. "Could reasonably interfere with enforcement proceedings"
- B. "Would deprive a person of a right to a fair trial or an impartial adjudication"
- C. "Could reasonably be expected to constitute an unwarranted invasion of personal privacy"
- D. "Could reasonably be expected to disclose the identify of a confidential source ... information furnished by a confidential source"
- E. Would disclose techniques, procedures, or guidelines for law enforcement investigations or prosecutions, including where such disclosure would risk circumventing the law
- F. "Could reasonably be expected to endanger the life or physical safety of any individual"

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## EXEMPTION 7(A)

- Two elements:
- (1) Whether a law enforcement proceeding is pending or prospective.
- (2) Whether release of information could reasonably be expected to cause some articulable harm.

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## EXEMPTION 7(C)

- Protects information when the disclosure of such information "could reasonably be expected to constitute an unwarranted invasion of personal privacy"
- Strong privacy interest in being associated in investigative files
- Conduct similar analysis for Exemption 6, but lower standard to apply this exemption:
  - "Would constitute" vs. "Could reasonably be expected to constitute"
  - "Clearly unwarranted" vs. "Unwarranted"

## EXEMPTION 7(E)

- Two elements:
- Concerns guidelines, procedures, or techniques for law enforcement or prosecutions, and
- Could be used by an outside party to violate the law or otherwise avoid investigation or prosecution

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# FOIA REVIEW PRINCIPLES



- Segregability
- Foreseeability of Harm
- Document Equities
- Consistency

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# FOIA REVIEW PRINCIPLES— SEGREGABILITY

- Agencies must identify and segregate exempt information and apply the appropriate exemption to indicate the basis for each redaction.
- In Practice—Details, details, details!
  - FOIA obligates us to conduct a line-by-line review of each responsive document
  - “Painstaking detail”
- ✓ Pointer—Always double check your disposition determination when you want to select ‘Withhold in Full’

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# FOIA REVIEW PRINCIPLES— FORESEEABILITY OF HARM

- 5 U.S.C. § 552(a)(8)(A) codifies the foreseeable harm standard:  
“An agency shall withhold information under [FOIA] only if (I) the agency reasonably foresees that disclosure would harm an interest protected by an exemption described in subsection (b); or (II) disclosure is prohibited by law.”
- Application in practice: To support a withholding, EPA must be able to show it is reasonably foreseeable that a harm an exemption is designed to protect will happen if the information is disclosed.
- Analysis applies to EACH withholding!

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# FOIA REVIEW PRINCIPLES— *DOCUMENT EQUITIES*

- Equity in a document = contribution to the content of the document, usually substantive
- When separate EPA program offices have equities in a document:
  - Internal equity review: opportunity for program office(s) to weigh in on the disclosure
- When other federal agencies have equities in a document:
  - Referral – Sending records to originating agency for direct response to the requester
  - Consultation – Obtaining the opinion of another agency before responding to the requester

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# FOIA REVIEW PRINCIPLES— CONSISTENCY

- All or nothing rule (mostly): Generally, information withheld should be withheld throughout, and information disclosed should be disclosed throughout.
  - Context and varying threshold issues can create exceptions to this general rule
- Disciplined application of the exemption analyses make defensible determinations!!

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Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/30/2019 7:19:00 PM  
**To:** Pearce, Jennifer [Pearce.Jennifer@epa.gov]  
**CC:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Subject:** RE: Review - EPA-R4-2019-002086  
**Attachments:** FOIA Efficiency Memo.pdf; Awareness Notification e-mail template 11272018 Final (002).docx

Still need to go through the process set out in the attachments,

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

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**From:** Pearce, Jennifer  
**Sent:** Wednesday, January 30, 2019 2:17 PM  
**To:** Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Cc:** Pearce, Jennifer <Pearce.Jennifer@epa.gov>; Schumacher, Wendy <schumacher.wendy@epa.gov>  
**Subject:** Review - EPA-R4-2019-002086  
**Importance:** High

Larry,

This request is under your name for review, however the requestor (Dr. Kristina Zierold) withdrew her request on December 18, 2018.

Thanks you,

---

Jennifer Pearce  
Government Information Specialist  
U.S. Environmental Protection Agency – Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Georgia 30303  
(404) 562-8600  
(404) 562-8054 (Fax)  
[pearce.jennifer@epa.gov](mailto:pearce.jennifer@epa.gov)



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 8/23/2018 1:46:38 PM  
**To:** Marusak, Kirk [Marusak.Kirk@epa.gov]  
**Subject:** FW: Why FOIA Presentation - 2018 (Training) 1.pptx  
**Attachments:** Why FOIA Presentation - 2018 (Training) 1.pptx; FOIA Training 8-23-18.pptx

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**From:** Gottesman, Larry  
**Sent:** Thursday, August 23, 2018 9:07 AM  
**To:** Scott, Raoul <Scott.Raoul@epa.gov>  
**Cc:** Brian Long <Long.Brian@epa.gov>  
**Subject:** Why FOIA Presentation - 2018 (Training) 1.pptx

Raoul-

I wish we should have been engaged earlier. I went through the training and made some edits, but if I had the time, I would have rewritten a lot of it. Attached is some training that was used by the Agency for basic FOIA Overview that may be helpful to the presenters.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

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202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 7/3/2018 1:40:44 PM  
**To:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Subject:** Release to one release to all policy  
**Attachments:** DOJ-LA-2016-0024-0002.docx

As it turns out, DOJ has never finalized the "Policy," after submitting the proposal for public comments. DOJ/OIP say they are still working on finalizing the "Policy," but it has to go through the DOJ process.

Since EPA had issued a FOIA Policy [http://intranet.epa.gov/foia/docs/FOIA-Policy-August2014-09-30FINAL\(with-electronic-signature\).pdf](http://intranet.epa.gov/foia/docs/FOIA-Policy-August2014-09-30FINAL(with-electronic-signature).pdf) on September 30, 2014 and section 6.9 states: FOIA responses will be posted to the Agency's FOIA management and tracking system unless posting the records will create a potential harm protected by a FOIA exemption or if a waiver to post records is granted by the Agency FOIA Officer[.] EPA had been following the "Policy" ever before the "Policy" development team was formed.

DOJ Request for Public Comment on the Draft "Released to one, Release to all" presumption. <https://www.justice.gov/oip/blog/request-public-comment-draft-release-one-release-all-presumption>

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 4/17/2018 7:27:49 PM  
**To:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Subject:** FW: OGIS Empowerment Act of 2018 - COMMENTS to OCIR 4/18/18

Laura in OCIR called me and wanted to know if OGC had any additional comments. I told her I thought they did. That is based upon your comment earlier today. If OGC will have comments, she would like then ASAP or if they are coming she wants to get back to OMB and ask for an extension. She said she reached out to Derek, but he was not available.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

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**From:** Gottesman, Larry  
**Sent:** Tuesday, April 17, 2018 3:12 PM  
**To:** Gomez, Laura <Gomez.Laura@epa.gov>; Bigioni, Neil <bigioni.neil@epa.gov>  
**Cc:** Grogard, Megan <Grogard.Megan@epa.gov>  
**Subject:** RE: OGIS Empowerment Act of 2018 - COMMENTS to OCIR 4/18/18

I understand OGC may have some additional comments.

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

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**From:** Gomez, Laura  
**Sent:** Tuesday, April 17, 2018 12:35 PM

**To:** Gottesman, Larry <[Gottesman.Larry@epa.gov](mailto:Gottesman.Larry@epa.gov)>; Bigioni, Neil <[bigioni.neil@epa.gov](mailto:bigioni.neil@epa.gov)>

**Cc:** Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>

**Subject:** RE: OGIS Empowerment Act of 2018 - COMMENTS to OCIR 4/18/18

Thank you Larry, Neil and Megan. Appreciate you taking the time to review this.

So is everyone ok with me sending no additional comments-meaning that EPA concurs with DOJ initial statement?

Clarifying would be helpful.

Thanks.

*Laura E. Gómez Rodríguez*  
Congressional Liaison Specialist  
US Environmental Protection Agency (EPA)  
Office of Congressional and Intergovernmental Relations (OCIR)  
1200 Pennsylvania Ave., N.W. MC-2650R  
Washington DC, 20004  
[gomez.laura@epa.gov](mailto:gomez.laura@epa.gov)

---

**From:** Gottesman, Larry

**Sent:** Tuesday, April 17, 2018 11:24 AM

**To:** Bigioni, Neil <[bigioni.neil@epa.gov](mailto:bigioni.neil@epa.gov)>

**Cc:** Grogard, Megan <[Grogard.Megan@epa.gov](mailto:Grogard.Megan@epa.gov)>; Gomez, Laura <[Gomez.Laura@epa.gov](mailto:Gomez.Laura@epa.gov)>

**Subject:** FW: OGIS Empowerment Act of 2018 - COMMENTS to OCIR 4/18/18

Neil-

# Ex. 5 Deliberative Process (DP)

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

---

**From:** Grogard, Megan  
**Sent:** Tuesday, April 17, 2018 8:28 AM  
**To:** Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Cc:** Bigioni, Neil <bigioni.neil@epa.gov>; Gomez, Laura <Gomez.Laura@epa.gov>  
**Subject:** OGIS Empowerment Act of 2018 - COMMENTS to OCIR 4/18/18

Hi Larry,

Sharing the attached for your review and input. Comments due to OCIR by **3:00PM Wednesday, April 18, 2018.**

The attached includes a draft letter of DOJ views of HR 5253, the Office of Government Information Services (OGIS) Empowerment Act of 2018, which was ordered to be reported by HOCR on 3/15/18 by voice vote. Among other things, HR 5253 would amend FOIA to require all agencies to make any record available to OGIS upon request. In its letter DOJ opposes the bill because, among other things, it: (1) is sweeping in scope; (2) places national security at risk; (3) raises constitutional concerns; and (4) promotes inefficient FOIA administration.

Please review and provide your comments to OCIR by 3:00PM April 18.

Thanks,  
Megan

~~~~~  
Megan Grogard
Senior Advisor to the Acting Deputy
Assistant Administrator
Office of Environmental Information
U.S. Environmental Protection Agency
Phone: 202-564-6812
Cell: 202-834-8385

From: Gomez, Laura
Sent: Thursday, April 12, 2018 5:08 PM
To: Grogard, Megan <Grogard.Megan@epa.gov>; Albores, Richard <Albores.Richard@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>
Cc: Moody, Christina <Moody.Christina@epa.gov>; Richardson, RobinH <Richardson.RobinH@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>
Subject: LRM [RD-115-217] DUE 04/18 @ 3:00PM JUSTICE Letter on HR5253 Office of Government Information Services (OGIS) Empowerment Act of 2018

DEADLINE: 3:00PM Wednesday, April 18, 2018

Attached for your review, please find a draft DOJ views letter regarding HR 5253, the Office of Government

Information Services (OGIS) Empowerment Act of 2018, which was ordered to be reported by HOCR on 3/15/18 by voice vote. Among other things, HR 5253 would amend FOIA to require all agencies to make any record available to OGIS upon request. In its letter DOJ opposes the bill because, among other things, it: (1) is sweeping in scope; (2) places national security at risk; (3) raises constitutional concerns; and (4) promotes inefficient FOIA administration.

Please review the attached views letter and provide your comments/edits by the deadline above. If no comments are not received by deadline we will assume no comment. Thanks.

Laura E. Gómez Rodríguez
Congressional Liaison Specialist
US Environmental Protection Agency (EPA)
Office of Congressional and Intergovernmental Relations (OCIR)
1200 Pennsylvania Ave., N.W. MC-2650R
Washington DC, 20004
gomez.laura@epa.gov

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 8/22/2018 4:27:14 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: Why FOIA Presentation - 2018 (Training).pptx
Attachments: Why FOIA Presentation - 2018 (Training).pptx



INFORMATION DIRECTIVE POLICY

Freedom of Information Act Policy	
EPA Classification No.: CIO 2157.1	CIO Approval Date: 09/30/2014
CIO Transmittal No.: 14-006	Review Date: 09/30/2017

*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated July 7, 2005*

Freedom of Information Act Policy

1. PURPOSE

This policy establishes EPA requirements for complying with the Freedom of Information Act (FOIA) as amended, EPA FOIA regulations, and guidance issued by the U. S. Department of Justice and the National Archives and Records Administration. This policy supports open government through transparency, proactive disclosure, and, when possible, discretionary releases of information. It also serves as a framework for the associated procedures used to process FOIA requests and promote accountability for the timeliness and quality of EPA responses.

2. SCOPE AND APPLICABILITY

This policy addresses statutory, regulatory, federal guidance and Agency requirements for processing FOIA requests. The policy establishes management and staffing requirements for implementing FOIA; establishes accountability for managers and FOIA professionals; and sets requirements for using the FOIA management and tracking system that has been approved by the Agency's Chief FOIA Officer for managing the lifecycle of FOIA requests.

3. AUDIENCE

The audience for this policy includes all EPA organizations, officials, and employees. The audience for this policy is also contractors or grantees and others operating on behalf of the EPA, as described below.

4. BACKGROUND

The FOIA, 5 U.S.C. § 552, was enacted in 1966. The law gives any requester the right to obtain federal agency records unless such records or portions of such records are protected from public disclosure by one or more of the nine exemptions or three law enforcement exclusions contained in the statute. The FOIA applies only to administrative agencies within the federal Executive Branch. It does not apply to records held by Congress, the courts, or

Freedom of Information Act Policy	
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by state, local, or tribal government agencies. The FOIA has undergone several amendments since its passage, including the e-FOIA amendments of 1996 and the Openness Promotes Effectiveness in our National (OPEN) Government Act of 2007. The e-FOIA amendments clarified how electronic records should be handled under the FOIA and extended the statutory time for agencies to respond from ten working days to twenty working days. The OPEN Government Act of 2007 made changes to promote a more open and accountable government and established a requirement for each agency to have a Chief FOIA Officer and Public Liaison Officers to assist in reducing delays, increasing transparency and resolving disputes. In conformance with the OPEN Government Act, FOIA requests and EPA decisions are now managed in a FOIA management and tracking system. With very limited exceptions all EPA FOIA responses will be available in the Agency's FOIA management and tracking system for public viewing and searching.

EPA FOIA activities are performed across the Agency under the direction of the Chief FOIA Officer and the National FOIA Program located in the Office of Environmental Information (OEI). The National FOIA Specialists support the EPA FOIA community by providing training, offering guidance, supporting fee waiver and expedited processing activities and staffing the FOIA Requester Service Center. The Office of General Counsel and Offices of Regional Counsel provide legal advice to staff in EPA's program offices who are responding to a request. The Office of Inspector General is independent and provides advice on FOIA matters pertaining to its own organization.

5. AUTHORITY

Freedom of Information Act , 5 U.S.C. § 552.
EPA's FOIA Regulations, Title 40, C.F.R. Part 2, Subpart A.

6. POLICY

It is the policy of the EPA to manage Freedom of Information Act (FOIA) requests as follows:

1. FOIA requests submitted to the Agency will be processed in accordance with the FOIA, applicable Presidential Orders and memoranda, EPA's FOIA regulations, applicable guidance issued by the Department of Justice and the National Archives and Records Administration and applicable EPA FOIA guidance and procedures.
2. FOIA requests submitted to the Agency will be processed throughout their lifecycle using the FOIA management and tracking system approved by the Agency's Chief FOIA Officer.
3. Records found to be responsive to a request will be released unless a mandatory exemption applies or, for discretionary exemptions, the Agency determines that a foreseeable harm that would result from disclosure.
4. At least two knowledgeable individuals, who may be subject matter experts and

Freedom of Information Act Policy	
EPA Classification No.: CIO 2157.1	CIO Approval Date: 09/30/2014
CIO Transmittal No.: 14-006	Review Date: 09/30/2017

including one manager, will review all documents before they are released to the public under the FOIA to improve accuracy and consistency in release determinations. One of the reviews may be performed by the subject-matter expert who processes the request. This is in addition to the review conducted by staff responsible for initially identifying and collecting documents.

5. Organizations will ensure that resources are allocated to comply with meeting FOIA requirements detailed in this policy.
6. Organizations will develop and maintain procedures for processing FOIA requests within their offices that document their business practices. Processing procedures will comply with this policy and with the Agency's FOIA processing procedures issued by the Chief Information Officer.
7. Organizations will identify individuals who have critical FOIA responsibilities in their organizations by name and by position, including but not limited to FOIA Officers, FOIA Coordinators, individuals who are authorized to make decisions regarding the releasability of records (see Item 8 below) and those who review documents before they are released to the public. This information will be made available to the Agency FOIA Officer and to all staff in the organization.
8. Determinations to release or withhold records will be made in accordance with the Freedom of Information Delegation of Authority, I-30. (See EPA Delegations Manual, Chapter 1, Section 30.)
9. FOIA responses will be posted to the Agency's FOIA management and tracking system unless posting the records will create a potential harm protected by a FOIA exemption or if a waiver to post records is granted by the Agency FOIA Officer.
10. FOIA professionals will have the knowledge, skills and abilities to perform their duties.
11. FOIA duties will be critical elements in the performance agreements of FOIA professionals.
12. FOIA professionals will take mandatory annual trainings identified by the Agency FOIA Officer.
13. Agency managers will have critical job elements in their performance agreements that establish accountability for ensuring their FOIA professionals have the knowledge, skills and abilities to perform their duties and respond in a timely manner to requests in accordance with the FOIA.
14. The Agency's FOIA Public Liaison will work to resolve FOIA issues with requesters and foster greater openness and transparency in the Agency's FOIA administration activities and its interactions with the public.
15. Organizations will comply with Agency procedures for processing FOIA requests, along with the guidance and direction issued by the Agency FOIA Officer.

7. RELATED DOCUMENTS

Freedom of Information, EPA Delegations Manual, Chapter 1, Section 30.

Freedom of Information Act Policy	
EPA Classification No.: CIO 2157.1	CIO Approval Date: 09/30/2014
CIO Transmittal No.: 14-006	Review Date: 09/30/2017

8. ROLES AND RESPONSIBILITIES

Action Office – The organizational unit that maintains the majority of records responsive to a FOIA request.

Agency FOIA Officer – The Agency FOIA Officer is the program manager for the National FOIA Program. The Agency FOIA Officer coordinates and oversees the EPA FOIA administration responsibilities; issues expedited processing and fee waiver determinations; develops and reviews FOIA policies, procedures, and guidance; provides advice to Agency FOIA personnel in the program and regional offices; prepares annual reports to the Department of Justice (DOJ); and provides FOIA training to Agency employees and other individuals covered under Section 3 of this policy. The Agency FOIA Officer is located in the Office of Environmental Information at EPA Headquarters.

Authorized Officials – The Deputy Administrator, Assistant Administrators, Associate Administrators, the Inspector General, the General Counsel, Heads of Headquarters Staff Offices and Regional Administrators (or their appropriate designee) are authorized under section 2.113(b) of EPA's FOIA regulations to issue initial determinations to release or withhold records in response to FOIA requests. Freedom of Information, EPA Delegations Manual, Chapter 1, Section 30, provides that this authority may be redelegated to the office director level or equivalent, who may redelegate to the division director level or equivalent.

Chief FOIA Officer – The designated high-level official within each federal agency who has overall responsibility for the agency's compliance with the FOIA. At the EPA, the Assistant Administrator for the Office of Environmental Information is the Chief FOIA Officer. The Chief FOIA Officer is responsible for ensuring the efficiency and effectiveness of the Agency's FOIA administration including compliance, accountability and reporting to the Administrator, the Department of Justice, and the Office of Management and Budget on the status of the Agency's FOIA program. *NOTE: This role is different from that of the Agency FOIA Officer above.*

FOIA Coordinators – FOIA Coordinators stay informed on requests and assignments; route requests to the appropriate Action Office or subject matter expert within the Program Office; track FOIA requests for timeliness; monitor the quality of the responses; and provide guidance to program personnel including overdue reports, in collaboration with the Agency FOIA Officer. Each Headquarters Program Office has a lead FOIA Coordinator who works under the general direction of the Agency FOIA Officer.

FOIA Officer – See "Agency FOIA Officer" or "Regional FOIA Officers."

FOIA Offices – The FOIA Office is the point of receipt for Agency FOIA requests where they are reviewed for conformance with the Act, acknowledged and assigned to the appropriate

Freedom of Information Act Policy	
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Action Office. The locations are identified in the EPA's FOIA regulations for submitting FOIA requests. Agency FOIA Offices are located in each Region and in the National FOIA Program at Headquarters.

FOIA Professional – An EPA employee or contractor who directly interacts with FOIA requesters and is responsible for the day-to-day FOIA processing activities.

FOIA Public Liaison – The FOIA Public Liaison is the EPA point of contact for the public if they have any issues with the handling of their FOIA request by the Agency. In the EPA, the FOIA Public Liaison is the Chief of the FOIA and Privacy Branch in the Office of Information Collection within the Office of Environmental Information. The Public Liaison supervises the staff in the FOIA Requester Service Center and is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

FOIA Requester Service Center – The FOIA Requester Service Center (FOIA Hotline) provides the public information on the status of their requests if they do not have access to FOIAonline, general information on how and where to submit a FOIA request, or information about the types of information available on the EPA's websites. The Center is staffed by the FOIA Public Liaison, Agency FOIA Officer and National FOIA Specialists. The Hotline number is 202-566-1667.

Managers and Supervisors – EPA managers and supervisors oversee FOIA Officers and FOIA Coordinators to ensure that they have the knowledge, skills and ability to perform their duties and respond in a timely manner in accordance with the FOIA. They review and approve all FOIA responses before release.

National FOIA Program – The National FOIA Program is staffed by the Agency FOIA Officer and National FOIA Specialists who develop Agency-level policies, procedures and trainings, respond to questions, provide guidance, deliver training, and make decisions on fee waiver and expedited processing requests. The National FOIA Program is located in the Office of Environmental Information.

National FOIA Specialists – National FOIA Specialists manage the lifecycle of FOIA requests received at Headquarters; assign requests to Headquarters FOIA Coordinators; prepare responses to fee waiver and expedited processing requests; approve requests to extend due dates; respond to questions from Agency employees; and staff the FOIA Requester Service Center.

Office of General Counsel (OGC) – OGC provides legal advice on FOIA matters; issues final decisions on FOIA appeals, final confidentiality determinations for confidential business information (CBI) claims originating in HQ, and fee waiver appeal determinations, except when a conflict of interest arises; provides counsel on FOIA exemptions and exclusions; and assists the U.S. Department of Justice attorneys in FOIA litigation.

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Office of Inspector General (OIG) – OIG and the Counsel to OIG provide advice on FOIA matters pertaining to its organization; issue initial determinations and final decisions on FOIA appeals, final confidentiality determinations, except when a conflict of interest arises; provide counsel on FOIA exemptions and exclusions; and assist the U.S. Department of Justice attorneys in FOIA litigation.

Office of Regional Counsel (ORC) – ORC provides legal advice on FOIA matters, final confidentiality determinations for CBI claims originating in the Region, FOIA litigation support to regional employees, and information as needed to the Agency FOIA Officer on fee waiver requests. ORC also assists OGC on appeals, as appropriate.

Regional FOIA Officers – Regional FOIA Officers assign requests to the appropriate Action Office within the region; track FOIA requests; provide guidance to regional personnel in collaboration with the Agency FOIA Officer; coordinate with the Agency FOIA Officer and Action Offices on initial fee waiver decisions; compile data for the annual FOIA report; and monitor the quality and timeliness of responses in the regions. Regional FOIA Officers work under the general direction of the Agency FOIA Officer.

9. DEFINITIONS

Freedom of Information Act (FOIA) – The Freedom of Information Act (FOIA) was signed into law in 1966. The law provides individuals with a statutory right of access to certain federal agency records. The FOIA requires agencies to disclose requested records unless they are protected from public disclosure by the FOIA. Congress included in the FOIA nine exemptions and three law enforcement exclusions to protect important interests such as national security, personal privacy, privileged communications, and law enforcement.

Records – Information in an agency's possession and control in any format including electronic format. DOJ notes that for FOIA purposes, "records" includes *all* tangible documentations of information regardless of whether they are records under 44 U.S.C. § 3301. (NOTE: This is a broader definition than that used by the EPA records program and records schedules.)

Requester – Any individual (including non-U.S. citizens), corporation or association, public interest group, and state, local, tribal, or foreign government making a FOIA request. Requests from Federal agencies, the Government Accountability Office, or Congress (e.g., the Speaker of the House, the President of the Senate, or the chair of a committee or subcommittee) are not covered under this policy.

Responsive Record – A record falling within the scope of a FOIA request that an agency has located that may be provided or is under consideration for inclusion in a response to a FOIA request. A record may be "responsive" to a FOIA request, but may still be withheld as protected from disclosure by a FOIA exemption.

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10. WAIVERS

No waivers will be accepted from the requirements of this policy.

11. RELATED POLICIES, STANDARDS AND GUIDANCE


- Procedures for Responding to Freedom of Information Act Requests, CIO 2157-P-01.
- FOIA memoranda and guidance documents (<http://www.epa.gov/foia/reference.html>).
- FOIA guidance issued by the Department of Justice (<http://www.justice.gov/oip/foia-resources.html>).

12. MATERIAL SUPERSEDED

Interim Freedom of Information Act Policy (CIO 2157.0/Transmittal 13-004 dated June 28, 2013)

13. ADDITIONAL INFORMATION

For further information, please contact the Office of Environmental Information, Office of Information Collection.


 Renee P. Wynn
 Acting Assistant Administrator for Environmental Information
 and Chief Information Officer
 U. S. Environmental Protection Agency



INFORMATION DIRECTIVE PROCEDURE

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*Issued by the EPA Chief Information Officer,
Pursuant to Delegation 1-19, dated July 7, 2005*

Procedures for Responding to Freedom of Information Act Requests

1. PURPOSE

These procedures provide basic instructions for responding to Freedom of Information Act (FOIA) requests submitted to EPA. They address statutory, regulatory, policy, procedural and processing requirements to be followed by all EPA organizations and must comprise the core of all office-specific FOIA processing procedures.

2. SCOPE AND APPLICABILITY

The scope of these procedures covers work performed by EPA employees, grantees, contractors, and interns in support of FOIA administration activities in Headquarters, regional offices, field offices and EPA laboratories.

3. AUDIENCE

The audience for these procedures includes all EPA organizations, officials, and employees. The audience for these procedures is also contractors or grantees and others operating on behalf of the EPA.

4. BACKGROUND

The FOIA, 5 U.S.C. § 552, was enacted in 1966. The law gives any requester the right to obtain access to federal agency records unless such records or portions of such records are protected

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from public disclosure by one or more of the nine exemptions or three law enforcement exclusions contained in the statute. There are nine FOIA exemptions:

- 1) Classified national defense and foreign relations information.
- 2) Internal agency rules and practices.
- 3) Information that is prohibited from disclosure by another federal law.
- 4) Trade secrets and other confidential business information.
- 5) Inter-agency or intra-agency communications that are protected by legal privileges.
- 6) Information involving matters of personal privacy (protected under the Privacy Act or containing sensitive personally identifiable information).
- 7) Information compiled for law enforcement purposes, to the extent that the production of those records:
 - a) Could reasonably be expected to interfere with enforcement proceedings.
 - b) Would deprive a person of a right to a fair trial or an impartial adjudication.
 - c) Could reasonably be expected to constitute an unwarranted invasion of personal privacy.
 - d) Could reasonably be expected to disclose the identity of a confidential source.
 - e) Would disclose techniques and procedures for law enforcement, investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions.
 - f) Could reasonably be expected to endanger the life or physical safety of any individual.
- 8) Information relating to the supervision of financial institutions.
- 9) Geological information on wells.

The FOIA applies only to administrative agencies within the federal Executive Branch. It does not apply to records held by Congress, the courts, or by state, local, or tribal government agencies. The FOIA has undergone several amendments since its passage, including the e-FOIA amendments of 1996 and the Open Government Act of 2007. The e-FOIA amendments clarified how electronic records should be handled under the FOIA and extended the statutory time to respond from ten working days to twenty working days. The Open Government Act of 2007 made changes to promote a more open and accountable government and established a requirement for each agency to have a Chief FOIA Officer and a FOIA Public Liaison to assist in reducing delays, increasing transparency and resolving disputes. It also established the Office of Government Information Services within the National Archives and Records Administration to provide mediation services for resolution of disputes between persons making FOIA requests and administrative agencies as well as to provide input and guidance on the effective administration of the FOIA across federal agencies.

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The Open Government Act promotes the use of technology to achieve more efficient disclosure of information to the public. To improve its FOIA management and processes, the EPA deployed FOIAonline, a shared service, as its new FOIA management system in October 2012.

FOIAonline automates core processing and administrative activities. All FOIA requests received at the EPA will be managed throughout their lifecycle in FOIAonline. All records provided by the EPA in response to a FOIA request will be entered into FOIAonline for public viewing and searching unless the volume of paper records is very large and conversion to electronic format is not practical or the response is subject to special handling requirements or policies (e.g., contains Confidential Business Information that is only appropriate to release to the requester/owner of the CBI and is not appropriate for public release). These exceptions will be reviewed on a case by case basis by the Agency FOIA Officer. A copy of the exception decision will be maintained in the system. If records provided in response to a request are not entered into FOIAonline because of these conditions, a placeholder document must be uploaded with contact information for obtaining a copy of the response. The organizational unit that has responsibility for responding to the request (known throughout this document as the Action Office) must maintain the records and make them readily available for responding to future requests.

This document does not provide "how-to" instructions for using FOIAonline, but does reference features of the system that help accomplish certain FOIA tasks outlined in this procedure. The Agency sponsors FOIAonline trainings for managers, supervisors and staff and has developed FOIAonline user guides that are available at <https://foiaonline.regulations.gov/foia/action/public/home>.

These procedures are intended to ensure that the Agency responds to FOIA requests in accordance with statutory requirements, the EPA's implementing regulations, and open government and transparency policies.

Program Offices and Regions will develop or update organizational FOIA procedures to conform to this document within 180 days of this document being finalized. All procedures must be consistent with the EPA's FOIA regulations and statutory requirements.

These procedures will be supplemented by role-based and general awareness trainings for the audience identified under Section 3, above.

5. AUTHORITY

Freedom of Information Act , 5 U.S.C. § 552.

EPA's FOIA Regulations, Title 40, C.F.R. Part 2, Subpart A.

CIO Policy 2157.0, Freedom of Information Act (FOIA) Policy

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6. PROCEDURES

The Agency's FOIA regulations direct the public to send FOIA requests, in writing, to EPA Headquarters, Regional FOIA Offices or through a form on the Agency's FOIA website (which provides a link to FOIAonline). Requests received in any other Agency office should be immediately forwarded to the appropriate FOIA Officer so that the requester does not incur undue processing delays. See 40 C.F.R. 2.102(a).

The actions identified in Steps 1-5, below, are performed by staff in FOIA offices. Regions and Program Offices will decide who performs the steps identified in these procedures.

INITIATING THE PROCESS

The FOIA process officially begins when a request is received in any Agency FOIA Office. Requesters may request a fee waiver and/or expedited processing at the time they submit their request.

Step 1 – Receive, Review, and Acknowledge Incoming Requests. The public may submit requests to the Agency via FOIAonline, postal mail, email, or hand delivery. The FOIA Office receiving the request will verify that the request: 1) is in writing; 2) provides a mailing address; 3) asks for Agency records; and 4) reasonably describes the records sought. A description is sufficient if it enables an Agency employee familiar with the subject area to locate the record with a reasonable amount of effort. See also, 40 C.F.R. § 2.102(c).

- ☐ ***Improper FOIA requests include:***
 - ☐ *Requests that do not reasonably describe the records sought;*
 - ☐ *Requests that pose questions, rather than seek documents.*
- ☐ ***FOIA does not require EPA to:***
 - ☐ *Create new records or future records in response to a request;*
 - ☐ *Re-create records which were properly disposed of;*
 - ☐ *Produce records the Agency retains no control over;*
 - ☐ *Re-provide records which EPA already makes available to the public; or*
 - ☐ *Produce purely personal records.*

If the requestor provided an email address, FOIAonline will automatically send a receipt to the requester that includes the tracking number and submission date for all requests processed in the system. Requests received after 5 pm EST or on weekends or holidays are not considered received until the next business day. If a request is not received through FOIAonline, the FOIA Office will enter the request in the system within one working day of receipt and issue an acknowledgement through FOIAonline if an email address is provided. Postal mail will be used by the FOIA Office if an email address is not provided. The

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acknowledgement letter will provide the tracking number and the date the request was received by EPA.

Step 2 – Determine if the Request is in the Correct FOIA Office. The receiving FOIA Office will determine where responsive records are most likely located in the Agency. When a request is received at an Agency FOIA Office and all responsive records are determined to be located in another Region or Headquarters, the receiving FOIA Office will assign the request in FOIAonline to the appropriate FOIA Office for processing. If the receiving FOIA Office does not know where responsive records are located, the FOIA Office will consult with the Headquarters FOIA Office. See also, 40 C.F.R. § 2.103(a).

The FOIA allows agencies up to 10 working days to route a misdirected request before the 20 working day period to respond begins. For the purposes of this 10 day allowance, a request is “misdirected” if it is sent to a FOIA Office that is not located with the Program or Regional Office that will have the responsive records. Requests sent by the public to an office other than a FOIA Office are also misdirected and must be immediately sent to the local FOIA Office.

After steps 1 and 2 are complete, the request is considered “perfected.” Requests should be “perfected” on the same day they are received by the correct FOIA Office. The FOIA Office will enter the “perfected” status in FOIAonline to initiate the 20 day working period. FOIAonline will automatically initiate the 20 working day period on the 11th working day after the request was received, even if the request has not been perfected.

Step 3 – Determine the Fee Category. EPA FOIA Offices will determine how requesters will be charged processing fees based on their fee category. The fee categories under the FOIA are: (1) Commercial Use, (2) Educational Institution or Non-Commercial Scientific Institution, (3) Representative of the News Media and (4) Other. See also, 40 C.F.R. § 2.107. (See Step 8 below for information on calculating fees.)

Step 4 – Process Fee-Waiver (FW) and Expedited Processing (EP) Requests. All requests for fee waivers and expedited processing must be submitted with the initial FOIA request (see 40 C.F.R. § 2.107(l) (5)). Decisions on FW and EP requests will be made by the Agency FOIA Officer based on the factors outlined in 40 C.F.R. § 2.107(l) (5) and 2.104(e), respectively.

FW and EP requests submitted to a Regional FOIA Office will be transferred by the Regional FOIA Officer to the Headquarters FOIA Office through FOIA-online for processing. (Please note that the region retains the responsibility for responding to the request for records.)

Whether a request is likely billable or unbillable will be communicated to the Headquarters FOIA Office by the organization to which the request is assigned within 48 hours of receipt of the request. The Agency FOIA Officer will determine if fees will likely be incurred by the requester before deciding on the request. (A request for a fee waiver is moot when no fees are associated with processing the request.)

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The Agency FOIA Officer will make the initial decision whether to grant or deny a FW or EP request. The individual assigned the request will be notified via an email from FOIAonline that a determination has been issued. If the FW and EP request is assigned to a group rather than to an individual, FOIAonline will not send an email, but will alternatively provide an internal system message to each group member the next time that person logs on.

The Agency must decide whether to grant or deny an EP request within 10 calendar days of receipt. If the request is granted, it must be given priority by the Action Office and be the next request in line for processing. See C.F.R. § 2.104(3) (4). However, the request itself is not required to be processed within the 10 calendar days.

Step 5 – Assign the Request to the Action Office. In most cases, the FOIA Office will assign the request in FOIAonline to the primary FOIA Coordinator in the Program or Regional Office believed to most likely house the majority of responsive records. The FOIA Coordinator will assign a lead office within that organization (the “Action Office”). When the requester is seeking records about or created by an individual, the organization where the individual worked at the time the records were created will become the Action Office and have responsibility for processing the request.

Often, additional Programs and/or Regions may have responsive records (“Contributing Office”). The Action Office will assign each Contributing Office a task in FOIAonline for them to provide responsive records. These Contributing Offices will coordinate the Agency’s response with the Action Office, including uploading responsive records to the system.

PROCESSING THE REQUEST IN ACTION OFFICES

An organization’s¹ internal FOIA processing procedures will determine who performs steps 6-16 identified in this procedure on behalf of the Action Office and the FOIA Coordinator. However, the steps will remain the same regardless of who performs them.

At Headquarters, each Office of an Assistant Administrator and the Office of the Administrator has a primary FOIA Coordinator who receives the assignment from the Headquarters FOIA Office. FOIA requests in regions are received by the Regional FOIA Officer who selects the appropriate division, branch or individual within the organization which is known as the Action Office. Regions have a primary FOIA Coordinator and the function may be performed by various staff persons. At Headquarters, the primary FOIA Coordinator will assign the request to the Action Office. Non-primary FOIA Coordinators may also be located at the division and branch levels at Headquarters and in regions depending on the business practices of the particular organization. An organization’s business practices determine the workflow and roles and responsibilities when a request is received for action. These practices will be detailed in the organization’s FOIA procedures.

¹ An EPA region (e.g., Region 1) or the Office of an Assistant Administrator (e.g., OGC).

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When an assignment is received from a FOIA Office, the primary FOIA Coordinator or regional person (designated by the Regional FOIA Officer) will determine which of the offices in the organization (e.g., staff offices, divisions, or branches) are likely to have records responsive to the request. The primary FOIA Coordinator or regional person will assign the request to the appropriate office or FOIA professional using FOIAonline. If the description of the records requested is not sufficient for the primary FOIA Coordinator or regional person to assign the request to an office, the primary FOIA Coordinator or regional person will contact the requester for additional information. All communications, including verbal conversations with the requester, will be documented for the official record and entered into FOIAonline. Communications may include discussion of scope, deadlines, or other issues.

NOTE: For large, complex FOIA requests, it is suggested that the Action Office convene meetings with all interested Agency parties in order to clarify responsibilities, methods to be used for collection, and similar issues. Those meetings should include programmatic experts, Records Liaison Officers, information technology specialists, and legal counsel, as appropriate.

Step 6 – Determine Search Parameters. The Action Office will determine the cut-off date for records subject to the request. Under the EPA's regulations (40 C.F.R. § 2.103 (a)) for determining what records are within the scope of the request, the Action Office will usually include only those records in its possession as of the date the request was received by the FOIA Office, unless the request specifically seeks a more limited scope. If a different date is used, the Action Office will inform the requester of that date.

The request will also be reviewed to determine the subject matter of the records the requester is seeking. If it is deemed necessary for the person processing the FOIA to obtain clarification or additional information from the requester, the time necessary to reformulate the request will be excluded from the statutory 20 working day period (or any authorized extension of time) that the EPA has to respond to the request. The FOIA permits the Agency to "stop the clock" **one** time during the first 20 days after receipt, to seek information and clarification from the requester. Although the requester may be contacted as many times as needed to clarify the scope of the request, the clock may only be stopped once. Once the clock has been stopped, it should not be restarted until the information or clarification is provided. All communications must be documented for the official record and entered into FOIAonline, and the deadlines adjusted in the system, as appropriate.

Step 7 – Determine if Additional Responsive Records are in Other Agency Organizations. When additional responsive records are determined to be located in other Agency organizations, or the request is incorrectly assigned, the appropriate FOIA Office should be notified by the FOIA Coordinator or the organizational subject matter expert within two working days of receiving the assignment. Action Offices should return misdirected requests to the local FOIA Office for re-assignment within two working days.

NOTE: The FOIA Office will create a task in FOIAonline to request additional records from

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another EPA organization.

Step 8 – Estimate Processing Fees. The EPA's FOIA regulations require an assurance of payment from the requester if fees are expected to exceed \$25.00 or an amount specified by the requestor. Unless a waiver of fees has been granted by the Agency FOIA Officer, the Action Office will estimate the processing fee which will be charged as specified in 40 C.F.R. § 2.107. Search fees may apply even when no responsive records are identified or no responsive records are disclosed to the requester. The EPA's FOIA Regulations (40 C.F.R. § 2.107(j)) also define circumstances where it may be appropriate to require advance payment of the estimated fees, if the fees are expected to exceed \$250.

Fees are determined by the type of staff performing the work, the type of requester, and the category of work performed. Fees are calculated as follows:

Type of Staff	Charge Per Quarter Hour
Clerical Staff	\$4.00 per ¼ hr
Professional Staff	\$7.00 per ¼ hr
Managerial Staff	\$10.25 per ¼ hr

Type of Requester	Fee Category to be Charged		
	Search	Review	Duplication
Commercial	Yes *	Yes	Yes
Educational	No	No	Yes (100 pages free)*
Non-commercial	No	No	Yes (100 pages free)*
Scientific	No	No	Yes (100 pages free)*
News Media	No	No	Yes (100 pages free)*
All Others	Yes (First 2 hours free)*	No	Yes (100 pages free)

*Fees shaded in grey above cannot be charged if the Agency fails to comply with time limits for response.

Step 9 - Determine Response Time. The FOIA requires agencies to provide a substantive response within 20 working days. In such instances when the Action Office determines the response cannot be completed within 20 working-days, the EPA may extend the due date if "unusual circumstances," as defined by the FOIA, apply.

An "unusual circumstance" exists when there is: (1) a need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request; (2) a need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; and (3) a need for consultation, which will be conducted with all practicable speed, with another

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agency or among two or more components of the EPA having a substantial interest in the determination of the request.

If unusual circumstances exist and there is a need to extend the due date for 10 working days or less, the Action Office must, within the 20 working day time limit, notify the requester in writing that unusual circumstances exist and provide the new due date. When the unusual circumstances result in a need to extend the due date for more than 10 working days, the Action Office must also provide the requester, within the 20 working days, the contact information for the EPA's FOIA Public Liaison and an opportunity to either (a) modify the request so that it may be processed within the 10 working day extension or (b) arrange an alternative time period for processing the original or modified request.

If unusual circumstances do not exist, or if the due date has already been extended and additional time is needed to complete the response, the Action Office should seek a reasonable extension from the requester. To aid the requester, the Action Office will provide the requester the contact information for the EPA FOIA Public Liaison, who will assist in the resolution of any disputes between the requester and the EPA. If the requester does not agree to an extension, the Action Office will fulfill the request as soon as possible. The requester may file an administrative appeal or may pursue litigation. For instances where the FOIA requester is the prevailing party of a litigation case and the EPA is required to pay legal fees, please refer to Office of the Chief Financial Officer's FOIA Fee Policy, RMDS 2540-04-P2. In any event, the Action Office should communicate any extensions and expected completion dates with the requester. All communications must be documented for the official record and entered into FOIAonline.

The Action Office also enters the new requested due date and the justification for the extension into FOIAonline. The system generates a notice to the Headquarters or appropriate Regional FOIA Office for approval. The FOIA Office will make a decision within two working days, document the decision, with comments if necessary, in FOIAonline, and communicate the new date to the Action Office. The Action Office will communicate the new due date to the requestor.

Step 10 – Collect and Review the Records. The Action Office and each Contributing Office is responsible for identifying, collecting and reviewing records within the scope of the request as discussed in Step 6, and as outlined in any organization-specific procedures. This includes the responsibility for consultation and referral with other federal agencies. Contributing Offices are also responsible for coordinating responsive activities with the Action Office (i.e., the office that is determined to have the majority of responsive records) when more than one office has responsive records (see Step 5 above). The Action Office and each Contributing Office should also assure that protected information has been redacted from records before they are released.

The Action Office and Contributing Offices will: 1) ensure that redacted information cannot be read through photocopied records; 2) remove "hidden" metadata as appropriate (e.g. Microsoft Word document properties); and 3) annotate records with the applicable FOIA exemption(s) at the location of the redacted information. A copy of both the original and redacted record will be

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stored in FOIAonline, unless subject to special handling requirements (e.g., large volume) or policies. Exceptions to this storage requirement are approved on a case by case basis by the Agency FOIA Officer. FOIAonline allows FOIA professionals to put records in the system that are not released to the public. This protects records that have been withheld.

If records provided in response to a request are not entered into FOIAonline because of special handling requirements or policies, or because the volume of files make it impractical to upload the complete response, a placeholder document must be uploaded with contact information for how to obtain a copy of the response that the responding office will maintain and make readily available.

NOTE: Only records that have been: 1) marked published and 2) approved for release are available to the public in FOIAonline.

Step 11 – Determine Which Records (or Portions) May Be Released. After thorough review, the Action Office will prepare to release responsive, non-exempt records or portions of records. All records released or being withheld in total in response to a FOIA request must be reviewed by at least two knowledgeable individuals, including one manager or supervisor to ensure openness, transparency, consistency, and the appropriate application of FOIA exemptions. One of the reviews may be performed by the individual who processes the request. Action Offices may consult with the Agency FOIA Officer, their Office of Regional Counsel (ORC), or Office of General Counsel (OGC) for questions regarding withholding of records under a FOIA exemption. If a discretionary FOIA exemption (Exemptions 2, 5, 7 (excluding 7(c)), 8 and 9) is implicated, Action Offices should only withhold records, or portions of records, when they reasonably foresee that disclosure would harm an interest protected by one of the exemptions or when disclosure is prohibited by law.

Responsive records that have been properly reviewed and redacted (if necessary) will be subject to one of the following outcomes:

- a) Release in Full. The record, in its entirety, may be released to the requester.
- b) Partial Grant/Partial Denial. Portions of the record will be withheld from the requester if covered by either one or multiple FOIA exemptions. The portions of the record that are not redacted are released to the requester.
- c) Withhold in Full. The record, in its entirety, will be withheld from the requester if covered by either one or multiple FOIA exemptions.
- d) No Record. If, after a reasonable search likely to uncover all responsive documents, no records are located that are responsive to the request, the requester will be informed in writing. A no records certification form must be completed for no record responses and entered in FOIAonline. Please note: This form is not sent to the requester.
- e) Confidential Business Information (CBI). For records or parts of records that have been claimed as CBI or would be claimed as CBI if the business knew the EPA proposed to disclose the information, the procedures set out in 40 C.F.R. § 2.204 must be followed.

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- f) Glomar Response. In some instances, the EPA may expressly refuse to confirm or deny the existence of records responsive to a FOIA request; this is called a Glomar response. The response letter will inform the requester that the request is denied because "either the records do not exist or they are exempt from mandatory disclosure under the applicable provision of FOIA." The Action Office must obtain approval from OGC or ORC prior to issuing a Glomar response.

Step 12 – Prepare Response Letter. The Action Office will prepare the response letter using standard language, if suitable, and obtain necessary concurrences. All response letters must include: (1) the FOIA tracking number and (2) appeal language, as appropriate. FOIA requesters have the right to appeal initial FOIA decisions made by the EPA if:

- No records were found;
- The response time has exceeded the statutory authority or documented extensions;
- The request for expedited processing was denied;
- The request for a fee waiver was denied;
- The requestor believes some records or portions of records were improperly withheld;
- The requestor believes the search was inadequate; or
- The requestor believes the fee category in which they were placed is incorrect.

In addition, response letters that withhold Agency records, in total or in part, are required to identify the:

- Records withheld individually or by category of similar documents if voluminous;
- Applicable FOIA exemption(s) under which the record is being withheld and a brief statement explaining the reason for the denial; and
- Authorizing official by name and title (see Step 14 below for list of Authorized Officials).

Step 13 – Finalize Processing Fees. The Action Office will inform the requesters in the response letter if fees for processing the request are not billable (i.e., equal to or less than \$14.00). If the processing fees are billable (i.e., greater than \$14.00), FOIAonline will generate the invoice.

NOTE: The Administrative Cost section in FOIAonline must be completed to document billable and unbillable costs in FOIAonline. All offices working on a request will enter their administrative costs in FOIAonline. The EPA is required to document actual fees charged to the public (billable) and the administrative costs (unbillable) incurred by the agency in processing FOIA requests.

Step 14 – Obtain Approval from an Authorized Official to Release or Withhold Records. The Deputy Administrator, Assistant Administrators, Regional Administrators, the General Counsel, the Inspector General, Associate Administrators, and heads of headquarters staff offices (or their appropriate designee) are delegated the authority to issue initial determinations

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to release or withhold records in response to FOIA requests. See EPA Freedom of Information Delegation of Authority, Section 1-30.

NOTE: Initial determinations (both release and withholding determinations) may be redelegated only to persons occupying positions not lower than division director or equivalent.

Step 15 – Respond to Request. The Action Office will provide the response letter, responsive records and invoice (when applicable) to the requester through FOIAonline. If an email address is provided, the requester will be notified via email that the responsive records are available in FOIAonline. Otherwise, the response package will be provided via postal mail.

The response letter must include a description of the information withheld either by category and volume, or by a list. In all cases the response letter must also include the standard administrative appeal language.

Step 16 – Finalize Actions. The Action Office will ensure all supporting documentation is entered in FOIAonline (e.g., records of conversations or notes to the record). The record copy of the FOIA response will be maintained in FOIAonline, including all responsive records. Once published, these records become available for public searching and viewing.

If the volume of paper records is very large and conversion to electronic format is not practical or the response is subject to special handling requirements or policies, the Agency FOIA Officer will consider granting an exception to the requirement to load the records into FOIAonline. Reviews are made on a case by case basis. A copy of the decision by the Agency FOIA Officer will be maintained in the system. If the exception is granted, a placeholder document must be uploaded in FOIAonline with contact information for obtaining a copy of the responsive records. The Action Office that has responsibility for responding to the request must maintain the records according to applicable record schedules and make them readily available for responding to future requests.

The Action Office will close the request in FOIAonline.

7. RELATED DOCUMENTS

- <http://www.epa.gov/FOIA/FOIAregs.htm>
 - <http://www.justice.gov/oip/amended-FOIA-redlined.pdf>
 - <http://intranet.epa.gov/oei/imitpolicy/qic/ciopolicy/2171-p-01.pdf>
 - <http://www.archives.gov/about/organization/summary/ogis.html>
-

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CIO Transmittal No.: 14-006	Review Date: 09/30/2017

8. ROLES AND RESPONSIBILITIES

Action Office – The organizational unit that maintains the majority of records responsive to a FOIA request.

Agency FOIA Officer – The Agency FOIA Officer is the program manager for the National FOIA program. The Agency FOIA Officer coordinates and oversees the EPA FOIA administration responsibilities; issues expedited processing and fee waiver determinations; develops and reviews FOIA procedures, policies, and guidance; provides advice to Agency FOIA personnel in the program and regional offices; prepares annual reports to the Department of Justice (DOJ); and provides FOIA training to agency employees and other individuals covered under Section 3 of these procedures. The Agency FOIA Officer is located in the Office of Environmental Information at EPA headquarters.

Authorized Officials – The Deputy Administrator, Assistant Administrators, Associate Administrators, the Inspector General, the General Counsel, Heads of Headquarters Staff Offices and Regional Administrators (or their appropriate designee) are authorized under section 2.113(b) of EPA's FOIA regulations to issue initial determinations to release or withhold records in response to FOIA requests. Freedom of Information, EPA Delegations Manual, Chapter 1, Section 30, provides that this authority may be redelegated to the office director level or equivalent, who may redelegate to the division director level or equivalent.

Contributing Office – Organizational units that possess responsive records in addition to the Action Office.

Chief FOIA Officer – The designated high-level official within each federal agency who has overall responsibility for the agency's compliance with the FOIA. At the EPA, the Assistant Administrator for the Office of Environmental Information is the Chief FOIA Officer. The Chief FOIA Officer is responsible for ensuring the efficiency and effectiveness of the Agency's FOIA administration including compliance, accountability and reporting to the Administrator, the Department of Justice, and the Office of Management and Budget on the status of the Agency's FOIA program. NOTE: This role is different from that of the Agency FOIA Officer above.

FOIA Coordinators – FOIA Coordinators stay informed on requests and assignments; route requests to the appropriate Action Office or subject matter expert within the Program Office; track FOIA requests for timeliness; monitor the quality of the responses; and provide guidance to program personnel including overdue reports, in collaboration with the Agency FOIA Officer. Each Headquarters Program Office has a lead FOIA Coordinator who works under the general direction of the Agency FOIA Officer. See also "Primary FOIA Coordinators".

FOIA Officer – See "Agency FOIA Officer" or "Regional FOIA Officers."

FOIA Offices – The FOIA Office is the point of receipt for Agency FOIA requests where they are reviewed for conformance with the Act, acknowledged and assigned to the appropriate

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Action Office. The locations are identified in the EPA's FOIA regulations for submitting FOIA requests. Agency FOIA Offices are located in each Region and in the National FOIA Program at Headquarters.

FOIA Professional – An EPA employee or contractor who directly interacts with FOIA requesters and is responsible for the day-to-day FOIA processing activities.

FOIA Public Liaison – The FOIA Public Liaison is the EPA contact point for the public if they have any issues with the handling of their FOIA request by the Agency. In the EPA, the FOIA Public Liaison is the Chief of the FOIA and Privacy Branch in the Office of Information Collection within the Office of Environmental Information. The Public Liaison supervises the staff in the FOIA Requester Service Center and is responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.

FOIA Requester Service Center – The FOIA Requester Service Center (FOIA Hotline) provides the public information on the status of their requests if they do not have access to FOIAonline, general information on how and where to submit a FOIA request, or information about the types of information available on the EPA's websites. The Center is staffed by the FOIA Public Liaison, Agency FOIA Officer and National FOIA Specialists. The Hotline number is 202-566-1667.

Managers and Supervisors – EPA managers and supervisors oversee FOIA Officers and FOIA Coordinators to ensure that they have the knowledge, skills and ability to perform their duties and respond in a timely manner in accordance with the FOIA. They review and approve all FOIA responses before release.

National FOIA Program – The National FOIA Program is staffed by the Agency FOIA Officer and National FOIA Specialists who develop Agency-level policies, procedures and trainings, respond to questions, provide guidance, deliver training, and make decisions on fee waiver and expedited processing requests. The National FOIA Program is located in the Office of Environmental Information.

National FOIA Specialists – National FOIA Specialists manage the lifecycle of FOIA requests received at Headquarters; assign requests to Headquarter FOIA Coordinators; prepare responses to fee waiver and expedited processing requests; approve requests to extend due dates; respond to questions from Agency employees; and staff the FOIA Requester Service Center.

Office of General Counsel (OGC) – OGC provides legal advice on FOIA matters; issues final decisions on FOIA appeals, final confidentiality determinations for CBI claims originating in HQ, and fee waiver appeal determinations, except when a conflict of interest arises; provides counsel on FOIA exemptions and exclusions; and assists the U.S. Department of Justice attorneys in FOIA litigation.

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Office of Inspector General (OIG) – OIG and the Counsel to OIG provide advice on FOIA matters pertaining to its organization; issue initial determinations and final decisions on FOIA appeals, final confidentiality determinations, except when a conflict of interest arises; provide counsel on FOIA exemptions and exclusions; and assist the U.S. Department of Justice attorneys in FOIA litigation.

Office of Regional Counsel (ORC) – ORC provides legal advice on FOIA matters, final confidentiality determinations for CBI claims originating in the Region, FOIA litigation support to regional employees, and information as needed to the Agency FOIA Officer on fee waiver requests. ORC also assists OGC on appeals, as appropriate.

Primary FOIA Coordinator – The lead FOIA Coordinator in an organization who works under the general direction of the Agency FOIA Officer.

Regional FOIA Officers – Regional FOIA Officers assign requests to the appropriate Action Office within the region; track FOIA requests; provide guidance to regional personnel in collaboration with the Agency FOIA Officer; coordinate with the Agency FOIA Officer and Action Offices on initial fee waiver decisions; compile data for the annual FOIA report; and monitor the quality and timeliness of responses in the regions. Regional FOIA Officers work under the general direction of the Agency FOIA Officer.

Subject Matter Experts – Subject matter experts identify and locate records requested under FOIA. These individuals are located in all EPA organizations and include all professional disciplines. If permitted under the applicable delegation and after obtaining any necessary concurrences, the subject matter experts may respond to requests directly or provide the responsive records to the FOIA Coordinator who facilitates the response for the Agency. They must, however, follow the review process prescribed in this procedure.

9. DEFINITIONS

Administrative Appeal – An independent review of the initial determination made in response to a FOIA request. Requestors who are dissatisfied with the response made on their initial request have a statutory right under 40 C.F.R. § 2.104(j) to appeal the initial determination to an office in the Agency which will conduct an independent review. *(NOTE: OGC is responsible for managing all FOIA appeals at the EPA with the exception of appeals that involve FOIA requests to the OIG or FOIA requests where OGC is the Action Office on the initial response. OIG handles its own appeals. The Office of the Administrator processes appeals where the OGC is the Action Office on the initial response.)*

Case – All records pertaining to a FOIA request.

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Commercial Use – A type of request from or on behalf of a person who seeks information for a use or purpose that furthers his/her commercial, trade, or profit interests, which can include furthering those interests through litigation.

Consultation – When an agency locates a record or a record that contains information provided by or of interest to another agency, it will ask for the views of that other agency on the disclosability of the records before any final determination is made. This process is called a “consultation.” (See also “referral.”)

Confidential Business Information – Trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.

Educational Institution – A preschool, public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education or an institution of vocational education, which operates a program or programs of scholarly research.

Existing records – Agency records that exist as of the date a FOIA request is received by the EPA.

Expedited Processing – The processing of a FOIA request out of the order in which it was received and prioritized over other pending FOIA requests. The standards for expedited processing are set out in the FOIA and in the regulations of each federal agency.

Fee Categories – Categories under FOIA that determine assessments of fees to requesters. Requesters fall into one of five fee categories: (1) commercial requesters; (2) educational; (3) noncommercial scientific institutions; (4) representatives of the news media; and (5) all other requesters (i.e., requesters who do not fall into any of the other four categories).

Fee Waiver – A request made to an agency to waive any applicable fees for its processing of a FOIA request. Fee waivers are limited to situations in which a requester can show that the disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations and activities of the government and is not primarily in the commercial interest of the requester. Requests for a fee waiver are evaluated on a case-by-case basis.

FOIAonline – The EPA’s FOIA tracking and management system.

FOIA Exemptions – Contained at 5 U.S.C. § 552(b) (1)-(9). See <http://intranet.epa.gov/foia/exemptions.html> or the box on page 2 of these procedures.

FOIA Time Limits – The time period in the FOIA statute for an agency to respond to a FOIA request (ordinarily twenty working days from the day a FOIA request is received and logged in by the appropriate FOIA Office).

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Freedom of Information Act (FOIA) – The Freedom of Information Act (FOIA) was signed into law in 1966. The law provides individuals with a statutory right of access to certain federal agency records. The FOIA requires agencies to disclose requested records unless they are protected from public disclosure by the FOIA. Congress included in the FOIA nine exemptions and three law enforcement exclusions to protect important interests such as national security, personal privacy, privileged communications, and law enforcement.

Full Denial – An agency decision not to release any records in response to a FOIA request because the records are exempt in their entirety under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located. A denial response must be signed by an Authorized Official.

Full Grant – An agency decision to disclose all records in full in response to a FOIA request.

Glomar Response – An agency's express refusal to confirm or deny the existence or non-existence of records responsive to a FOIA request.

Initial Request – The request submitted by an individual to a federal agency for access to agency records on any topic. A FOIA request can generally be made by any person, to any federal agency, and only requires that requesters reasonably describe the records they are seeking and comply with agency regulations for making such requests.

Media Requester – Any person making a FOIA request who actively gathers news for an entity that is organized and operated to publish or broadcast news to the public that actively gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. A request for records that supports the news-dissemination function of the requester shall not be considered to be for a commercial use.

Non-Commercial Scientific Institution – An institution that is not operated on a commercial basis but operated solely for conducting scientific research, the results of which are not intended to promote any particular product or industry.

No Records Response – A FOIA request for which no responsive records were located.

Partial Grant/Partial Denial – An agency decision to disclose records or portions of records while withholding other records or portions of records that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.

Pending Request or Administrative Appeal – A request or administrative appeal for which an agency has not taken final action in all respects.

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Perfected Request – A request for records that clearly describes the records sought and the procedures that will be followed to develop a response.

Processed Request or Processed Administrative Appeal – A request or administrative appeal for which an agency has taken final action in all respects.

Records – Information in an agency's possession and control in any format including electronic format. DOJ notes that for FOIA purposes, "records" includes *all* tangible documentations of information regardless of whether they are records under 44 U.S.C. § 3301. (NOTE: This is a broader definition than that used by the EPA records program and records schedules.)

Redact – The act of removing exempt information from responsive documents either manually or utilizing redaction software.

Referral – When an agency locates a record that originated with, or is of otherwise primary interest to another agency, it will forward that record to the other agency to process the record and to provide the final determination directly to the requester. This process is called a "referral." (See also "consultation.")

Requester – Any individual (including non-U.S. citizens), corporation or association, public interest group, and state, local, tribal, or foreign government making a FOIA request. Requests from federal agencies, the Government Accountability Office, or Congress (e.g., the Speaker of the House, the President of the Senate, or the chair of a committee or subcommittee) are not processed under these procedures.

Responsive Record – A record falling within the scope of a FOIA request that an agency has located that may be provided or is under consideration for inclusion in a response to a FOIA request. A record may be "responsive" to a FOIA request, but may still be withheld as protected from disclosure by a FOIA exemption.

Unusual Circumstances – When there is: (1) a need to search and collect documents from organizations separate from the organization processing the request; (2) a need to search and collect a large volume of records; or (3) a need to consult with another agency (or a separate subdivision of the same agency) having a substantial subject-matter interest in the request.

10. WAIVERS

No waivers will be accepted from the requirements of this procedure.

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11. RELATED PROCEDURES, STANDARDS AND GUIDANCE

Not applicable.

12. MATERIAL SUPERSEDED

Interim Procedures for Responding to Freedom of Information Act (FOIA) Requests (CIO 2157-P-01-0/Transmittal 13-010 dated September 30, 2013)

13. ADDITIONAL INFORMATION

This document is not intended to create any rights or privileges for the public, or obligations on the part of EPA.



Renee P. Wynn
**Acting Assistant Administrator for Environmental Information
and Chief Information Officer
U.S. Environmental Protection Agency**

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 5/2/2018 12:15:49 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: RE: FY 2018 Summaries of Findings 2.2 NB-WB Edits-Clean lfg 5-1-18 (003).docx
Attachments: FY 2018 Summaries of Findings 2.2 -Clean lfg 5-2-18 (003).docx; FY 2018 Summaries of Findings 2.2 NB-WB Edits-Clean lfg 5-2-18 (003).docx

Attached is a track change and a clean copy.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Bigioni, Neil
Sent: Tuesday, May 01, 2018 5:43 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: FY 2018 Summaries of Findings 2.2 NB-WB Edits-Clean lfg 5-1-18 (003).docx

See if you agree with me edits. There is also one comment for a sentence that I cannot understand.

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 9/24/2018 7:56:19 PM
To: Epp, Timothy [Epp.Timothy@epa.gov]
Subject: National FOIA Program Overview for AO - Draft -8-7-17 LFG edits.pptx
Attachments: National FOIA Program Overview for AO - Draft -8-7-17 LFG edits.pptx

This was a briefing given to Ryan Jackson. Steve Fine was in the room and approved the slide deck.

The colors were for me use, and not in the copy of the slide deck provided to Ryan.

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Overview of National FOIA Program

**Briefing for the EPA Administrator's Office
August 2017**

**Provided by the
Office of Environmental Information**



Briefing Outline

- National FOIA Program Operations & Reporting
- Decentralized FOIA Processes
- FOIA Roles & Responsibilities
- FOIA Statistics
- Current FOIA Challenges
- Potential FOIA Opportunities
- Points of Contact



Decentralized FOIA Processes

- EPA expects to receive over 12,000 FOIA requests in FY 2017
- EPA currently has decentralized processes for receiving and processing FOIA requests:
 - The public can submit FOIA requests to EPA's National FOIA Program at EPA Headquarters or to any of the 10 EPA regional offices
 - The National FOIA Program assigns most FOIA requests it receives to EPA program/regional offices for action, with input from other offices as needed
 - EPA program offices and regional offices differ in the extent to which their internal FOIA processes are centralized. Regions 4, 8, and 10, as well as OAR, currently have more centralized processes than other EPA offices



National FOIA Program Operations 1/3

EPA's National FOIA Program, located within the Office of Environmental Information (Authorized FTE 6.0; on-board 5), provides the following:

- Regulations, policies/procedures, coordination and support to help fulfill EPA's statutory obligations under the Freedom of Information Act (FOIA)
- Support for EPA's Chief FOIA Officer (i.e., OEI Assistant Administrator & Chief Information Officer) in improving the Agency's FOIA performance
- Coordination on FOIA matters with the Department of Justice (DOJ)/Office of Information Policy (OIP), the National Archives and Records Administration (NARA)/Office of Government Information Services (OGIS), other federal/state agencies, and the public FOIA PUBLIC LIAISON
- Communication, coordination and training for EPA's regional FOIA Officers and Headquarters FOIA Coordinators
- Mandatory annual FOIA training for all EPA personnel, which is made available through EPA's eLearning site



National FOIA Program Operations 2/3

- The National FOIA Program is also responsible for receiving/reviewing all FOIA requests submitted to EPA Headquarters and
 - Determining if a request is "proper"
 - Communicating with the requester to clarify a request, when needed
 - Assigning requests to the appropriate program/regional office for action
 - Issuing all fee waiver and expedited processing decisions
 - Working to resolve internal disputes on FOIA processing responsibilities
 - Providing information on EPA's FOIA Program to internal and external audiences through the Agency's FOIA Internet and intranet websites
 - Working with FOIA professionals on the use of Discovery Services in the collection of MS Outlook records
 - Responding to requests assigned to National FOIA Program
 - Ensuring compliance with EPA's records schedules
 - Staffing EPA's FOIA Requester Service Center (i.e., the FOIA Hotline) and responding to ~ 50 telephone inquiries, as well as emails, each day



National FOIA Program Operations 3/3

- Supporting EPA personnel in using FOIAonline, a Web-based system that allows the public to submit FOIA requests and receive responses to FOIA requests online Original Vision for system EPA is the PM for the shared service
 - Member of Executive Committee
 - Serves on Change Control Board
 - Assist in marketing the service to other Agencies
 - Participate in user acceptance testing for new releases



National FOIA Program Reporting

The National FOIA Program develops, provides and supports the Chief FOIA Officer with the following reporting activities (<https://www.epa.gov/foia/foia-reports>):

- Annual Chief FOIA Officer Report to DOJ (narrative report)
- Annual FOIA Report to DOJ (statistical report)
- Quarterly Status Reports to DOJ (statistical report)

It also provides the following FOIA reports for internal EPA purposes:

- Quarterly Status Reports for EPA
- Monthly FOIA Reports for EPA
- Ad hoc FOIA statistics, as needed

EPA receives nearly all greens on the Annual Chief FOIA Officer Report evaluation by the DOJ

10 oldest consultations 3 closed in CY not FY

10 oldest request closed 9 out of 10

Appeals received vs backlog



FOIA Roles and Responsibilities 1/3

- The Chief FOIA Officer (fulfilled by the OEI AA/CIO) is responsible for:
 - Advancing the Agency's efficient and appropriate compliance with FOIA
 - Monitoring the Agency's compliance with FOIA and keeping the EPA Administrator and others informed of the Agency's performance in implementing FOIA
 - Recommending to the EPA Administrator adjustments in Agency practices, policies, personnel and funding as may be needed to improve the implementation of FOIA
 - Reviewing and reporting to the Attorney General on the Agency's performance in implementing FOIA
- The Agency FOIA Officer is responsible for managing the overall National FOIA Program and its various operational and reporting activities, in coordination with OEI managers and senior leadership



FOIA Roles and Responsibilities 2/3

- Each EPA regional office has a designated FOIA Officer, and each Headquarters program office has a designated FOIA Coordinator.
- Regional FOIA Officers are responsible for:
 - Determining if a request is “proper”
 - Communicating with the requester to clarify a request, when needed
 - Assigning requests as appropriate
 - Providing input on fee waiver and expedited processing requests to the National FOIA Program
- HQ FOIA Coordinators are responsible for:
 - Assigning requests within their organization
 - Providing input on fee waiver and expedited processing requests to the National FOIA Program



FOIA Roles and Responsibilities 3/3

- The Office of General Counsel, General Law Office
 - Provides legal advice on FOIA matters
 - Issues FOIA appeal determinations
 - Assists the Attorney General/DOJ in FOIA litigation
- The Office of General Counsel, FOIA Expert Assistance Team (FEAT)
 - Provides project management, coordination and oversight for EPA's most voluminous/complex FOIA requests (2% of requests annually)
 - Develops weekly listings of prominent FOIA requests to help inform leadership of key areas of public interest



FOIA Statistics

- EPA's FOIA workloads have increased substantially in the first three quarters of FY 2017, compared to the comparable timeframe in FY 2016:
 - FOIA requests submitted to the National FOIA Program for EPA program offices
 - FY 17 2,676 64% increase
 - FY 16 1,629
 - FOIA requests submitted to the 10 Regions
 - FY 17 6,020 4% decrease
 - FY 16 6,255
 - Fee Waiver (FW) and Expedited Processing (EX) requests
 - FY 17 2,201 (FW, 1,750; EP, 451) 103% increase
 - FY 16 1,086 (FW, 812; EP, 274)
 - Backlog
 - FY 17 2,027 43% increase
 - FY 16 1,416



Current Challenges

Current FOIA challenges facing EPA include:

- An increase in the number, complexity and scope of FOIA requests
- The public's submission of duplicate requests to multiple EPA regional offices, as well as to EPA Headquarters
- A rise in the number of fee waiver and expedited processing requests
- Higher numbers of FOIA appeals and litigation
- Insufficient funding and skilled staff to handle the increasing workloads

Current Discovery Services challenges facing the FOIA Program include:

- Time to get records far exceeds 20 day time limit to respond to request
- A substantial increase in the number of FOIA requests requiring Discovery Services' searches/collections of electronically stored information (ESI)
 - Lack of staff to process MS Outlook record search requests
 - Lack of adequate staff and funding to run Discovery Services
 - Lack of resources to provide post-production customer service support



Potential FOIA Opportunities

- OEI has proposed that all FOIA requests submitted by the public be submitted to the National FOIA Program at EPA Headquarters (using FOIAonline, U.S. mail, or overnight delivery)
- National FOIA Program staff developed and discussed a strawman with the FOIA Officers and Coordinators who embraced it
- Under this proposal, FOIA requests would no longer be submitted to EPA regional offices, thereby reducing duplicative requests and facilitating the analysis, coordination and assignment of incoming requests to the most appropriate action offices, as well as proactive disclosure of Agency information
- In addition to current or planned National FOIA Program staff (a total of 6 FTEs, plus 2 SEE grantees), the centralized submission process would require additional staff support (additional 5 FTEs, 1 SEE, and 2 long-term detailees to the National FOIA Program; and 3 staff located in Headquarters program offices)
- Yet, the submission process is just one part of the picture; and other aspects of the FOIA program could benefit from streamlining and cross-office coordination



Potential Benefits of Centralized Submissions

- Would eliminate duplicate requests
- Would help ensure consistent responses across the Agency, thereby reducing litigation risk
- Would facilitate review of FOIA requests at a national level
- Would enable the processing of site-specific requests at the national level. An estimated 40% of annual requests to regional offices would be eliminated
- May be able to build upon efficiencies gained by OAR and multiple regions adopting a streamlined model
- Would allow the Agency to identify records for proactive disclosure



Points of Contacts

- Steven Fine, Ph.D.
Acting AA, Acting CIO and Chief FOIA Officer
Office of Environmental Information (OEI)
fine.steven@epa.gov, 202-564-6665
- Larry Gottesman, Agency FOIA Officer
gottesman.larry@epa.gov, 202-566-2162
- Rebecca Moser, Director
Office of Enterprise Information Programs (OEIP), OEI
moser.rebecca@epa.gov, 202-566-0252
- Jonda Byrd, Director
Director, FOIA, Libraries & Accessibility Division (FLAD); OEI/OEIP
byrd.jonda@epa.gov, 513-569-7183

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 8/22/2018 3:54:16 PM
To: Nguyen, Quoc [Nguyen.Quoc@epa.gov]
Subject: FW: OAM Acquisition Workforce Comprehensive Training Program - UPCOMING CLASSES!
Attachments: Why FOIA Presentation - 2018 (Training).pptx

From: Long, Brian
Sent: Wednesday, August 22, 2018 9:47 AM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>; Scott, Raoul <Scott.Raoul@epa.gov>
Cc: Gottesman, Larry <Gottesman.Larry@epa.gov>; Long, Brian <Long.Brian@epa.gov>
Subject: RE: OAM Acquisition Workforce Comprehensive Training Program - UPCOMING CLASSES!

Kristina and Larry

Good Morning.

Per Raoul Scott, I am forwarding the draft FOIA Training slides for the training entitled "Why FOIA" to be presented by OAM for your review.

We strongly encourage you to attend the training session that will take place on tomorrow at 1:00 pm in B305 WJCNorth. We will greatly appreciate to have both you and Larry present.

Thanks

Brian K. Long
Policy, Training, Oversight Division (PTOD)
Office of Acquisition Management
U.S. Environmental Protection Agency/OARM/OAM
202-564-4737

From: Sandfoss, Kristina
Sent: Monday, August 20, 2018 4:35 PM
To: Scott, Raoul <Scott.Raoul@epa.gov>
Cc: Long, Brian <Long.Brian@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: OAM Acquisition Workforce Comprehensive Training Program - UPCOMING CLASSES!

Please send the materials to Larry Gottesman in the FOIA office. Thank you!

From: Scott, Raoul
Sent: Monday, August 20, 2018 4:22 PM
To: Sandfoss, Kristina <Sandfoss.Kristina@epa.gov>
Cc: Long, Brian <Long.Brian@epa.gov>
Subject: Re: OAM Acquisition Workforce Comprehensive Training Program - UPCOMING CLASSES!

The training goes over why there is a FOIA process, and what a FOIA specialist does during the review of a FOIA request. The focus of this course is not to train individuals on how to perform FOIA reviews. It only provides awareness of the FOIA process.

I did not realize OGC approval was required for this type of course. If you still believe OGC approval is required, pls let me know who in OGC I should send the materials to for review.

Thanks-

Raoul

Sent from my iPhone

On Aug 9, 2018, at 1:14 PM, Sandfoss, Kristina <Sandfoss.Kristina@epa.gov> wrote:

Good afternoon Raoul,
I saw that OAM is offering a FOIA training (wonderful), so I wanted to know who is going to lead the class and to verify that OGC has approved the training materials. Please let me know when you have a chance.
Thanks so much!
Kristina

From: faitas@fai.gov [<mailto:faitas@fai.gov>]

Sent: Tuesday, August 7, 2018 2:25 PM

To: faitas@fai.gov

Subject: OAM Acquisition Workforce Comprehensive Training Program - UPCOMING CLASSES!

***** This email is sent by Environmental Protection Agency

Greetings EPA Acquisition Workforce Members!

As announced on August 1, 2018 by our Director, Kimberly Patrick, we are pleased to launch OAM's Acquisition Workforce Comprehensive Training Program (AWCTP). The purpose of the AWCTP is to provide a framework to design, develop, deliver and evaluate internal acquisition workforce training, with an EPA focus.

Accordingly, we are announcing these scheduled classes!

- EPA COR Basic (a.k.a., Top 10 Things CORs Should Know) - August 16, 2018: Washington DC and Adobe Connect virtual classroom
- Severable/Non-Severable Services - August 21, 2018: Washington DC only
- Understanding the Use of Government Purchase Card - August 22, 2018: Washington DC and Adobe Connect virtual classroom
- Why FOIA? - August 23, 2018: Washington DC and Adobe Connect virtual classroom

Additional information on courses and registration can be found at <http://oamintra.epa.gov/TRAINING>. For specific training session details, click on the "Acquisition Training Schedule" link on the intranet page.

Please contact OAMTraining@epa.gov if you have any questions.

Please do not reply to this system generated email message. FOR OFFICIAL USE ONLY

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 5/14/2018 1:13:09 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FW: Assignment

FYI

From: Lewis, Monica
Sent: Friday, May 11, 2018 7:49 PM
To: Gottesman, Larry <Gottesman.Larry@epa.gov>
Subject: RE: Assignment

Larry,

I am trying to focus on getting the letters out and consultations in which I thought was the PRIORITY. I can see where this is going to take all my time. As I said, I will be out a couple of times next week which means my backload will be increasing while I am out. Working to decrease my workload is going to be at least a couple of weeks. In addition, I will be taking my COR classes which will also have to be done during my work hours. I will work on your assignment in small increments and see if it can be done by the end of next week.

From: Gottesman, Larry
Sent: Friday, May 11, 2018 1:56 PM
To: Lewis, Monica <lewis.monica@epa.gov>
Subject: RE: Assignment

Per our conversation, do you have a new completion date?

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Gottesman, Larry
Sent: Tuesday, May 01, 2018 3:20 PM
To: Lewis, Monica <lewis.monica@epa.gov>
Subject: Assignment

Monica

Can you please draft a memo, as specified below, for the FOIA Officers and Coordinators regarding extensions of due dates. I tried to lay out a format with some specificity below for your guidance. This is important as we start looking at metrics, as part of the Agency move to determining if we, the Agency are meeting our requirement/deadlines. This is part of the Kaizen event for FOIA.

If I can get a draft by COB Monday, May 7th that would be great. Please let us know if you have any questions or want to suggest another due date for your draft.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

From: Gottesman, Larry
Sent: Wednesday, February 7, 2018 10:57 AM
To: Lewis, Monica <lewis.monica@epa.gov>
Cc: Byrd, Jonda <byrd.jonda@epa.gov>
Subject: Assignment

Monica

After speaking with Jonda can you please draft a memo for the FOIA Officers and Coordinators regarding extensions of due dates, as we discussed in detail yesterday. I tried to lay out a format with some specificity below. This is very important as we start looking at metrics, as part of the Agency move to determining if we, the Agency are meeting our requirement/deadlines.

If I can get a draft that we can share with OGC on Monday. Please let us know if you have any questions, or are unable to meet the deadline.

Thanks

Larry F. Gottesman
Agency FOIA Officer

202-566-2162 (Direct line)
202-689-4588 (Mobile)

Ex. 5 Deliberative Process (DP)

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 5/1/2018 8:27:31 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FY 2018 Summaries of Findings 2.2 NB-WB Edits-Clean Ifg 5-1-18 (003).docx
Attachments: FY 2018 Summaries of Findings 2.2 NB-WB Edits-Clean Ifg 5-1-18 (003).docx

Revised.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 5/1/2018 5:34:24 PM
To: Bigioni, Neil [bigioni.neil@epa.gov]
Subject: FY 2018 Summaries of Findings 2.2 NB-WB Edits-Clean Ifg 5-1-18 (002).docx
Attachments: FY 2018 Summaries of Findings 2.2 NB-WB Edits-Clean Ifg 5-1-18 (002).docx

Please see edits.

Thanks

Larry F. Gottesman
Agency FOIA Officer
Office of General Counsel
U.S. Environmental Protection Agency

202-566-2162 (Direct line)
202-689-4588 (Mobile)
202-566-1667 (Main line)

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 1/25/2018 5:47:00 PM
To: Moser, Rebecca [Moser.Rebecca@EPA.GOV]
Subject: QFR 1-24-18.docx
Attachments: QFR 1-24-18.docx

<!--[if lte mso 15 || CheckWebRef]-->

Gottesman, Larry has shared a OneDrive for Business file with you. To view it, click the link below.

 Definers' FOIA requests.xls

<!--[endif]-->

Still need to add the number of requests closed by month.

Also, attached is the list of FOIA requests, that will be useful in responding to Question 27. Not an OEI questions.

Thanks

Larry F. Gottesman
Agency FOIA Officer

202-566-2162 (Direct line)
202-689-4588 (Mobile)

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 1/25/2018 4:48:19 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: QFR 1-24-18.docx
Attachments: QFR 1-24-18.docx

Message

From: Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]
Sent: 4/17/2018 1:35:38 PM
To: Schumacher, Wendy [schumacher.wendy@epa.gov]
Subject: Fwd: Review & Comment - OGIS Empowerment Act of 2018
Attachments: CLEAN_ DOJ views letter_HR 5253 OGIS empowerment Act of 2018 117143.docx; ATT00001.htm; HR 5253 OGIS Empowerment Act of 2018 Bill Text.pdf; ATT00002.htm

Larry F. Gottesman

Sent from my iPhone

Begin forwarded message:

From: "Grogard, Megan" <Grogard.Megan@epa.gov>
Date: April 17, 2018 at 8:15:18 AM EDT
To: "Gottesman, Larry" <Gottesman.Larry@epa.gov>
Cc: "Byrd, Jonda" <byrd.jonda@epa.gov>, "Moser, Rebecca" <Moser.Rebecca@EPA.GOV>, "Jones-Parra, Lisa" <Jones-Parra.Lisa@epa.gov>
Subject: Review & Comment - OGIS Empowerment Act of 2018

Hi Larry,

Please review the attached and provide comments by **1:00PM Wednesday, April 18, 2018.**

The attached includes a draft letter of DOJ views of HR 5253, the Office of Government Information Services (OGIS) Empowerment Act of 2018, which was ordered to be reported by HOCR on 3/15/18 by voice vote. Among other things, HR 5253 would amend FOIA to require all agencies to make any record available to OGIS upon request. In its letter DOJ opposes the bill because, among other things, it: (1) is sweeping in scope; (2) places national security at risk; (3) raises constitutional concerns; and (4) promotes inefficient FOIA administration.

Please review and provide your comments by 1:00PM April 18.

Thanks,
Megan

~~~~~  
**Megan Grogard**  
Senior Advisor to the Acting Deputy  
Assistant Administrator  
Office of Environmental Information  
U.S. Environmental Protection Agency  
**Phone: 202-564-6812**  
Cell: 202-834-8385



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 1/24/2018 10:13:51 PM  
**To:** Moser, Rebecca [Moser.Rebecca@EPA.GOV]  
**Subject:** QFR 1-24-18.docx  
**Attachments:** QFR 1-24-18.docx

DRAFT

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 6/27/2018 3:57:22 PM  
**To:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Subject:** FOIA LOB memo  
**Attachments:** LOB FOIA 6-27-18.docx; NFPLOB Draft Charter - June 2018 Meeting.docx

Updated.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 6/25/2018 9:31:54 PM  
**To:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Subject:** National FOIA Portal Line of Business (NFPLOB) memo  
**Attachments:** NFPLOB GOV memo.docx; NFPLOB Draft Charter - June 2018 Meeting.docx

Attached is a draft memo for Matt and a copy of the NFPLOB draft charter for your review. The interesting part of the charter, on page 6, is all final decision will be made by DOJ and OMB, the co-chairs.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 4/6/2018 1:20:49 PM  
**To:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Subject:** FW: National FOIA Office Operations Manual 2018  
**Attachments:** National FOIA Office Operations Manual\_2018 02 07 JB comments.docx

Never heard back from Becky. This may be helpful to you as we transition into OGC.

Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)

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**From:** Gottesman, Larry  
**Sent:** Tuesday, February 13, 2018 10:28 AM  
**To:** Dolph, Becky <Dolph.Becky@epa.gov>  
**Subject:** National FOIA Office Operations Manual 2018

Becky-

Attached is a draft SOP we have been working on for a while. We made a few edits, to reflect some of the knowns about the reorganization. Wanted to share the draft with you.

Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 10/30/2018 7:59:33 PM  
**To:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Subject:** FW: Draft Slides for Monday Acting Admr Briefing on FOIA  
**Attachments:** OGC FOIA Improvement Initiatives 2018 - updated 10 30.pptx

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**From:** Epp, Timothy  
**Sent:** Tuesday, October 30, 2018 8:40 AM  
**To:** White, Elizabeth <white.elizabeth@epa.gov>; Blake, Wendy <Blake.Wendy@epa.gov>; Youngblood, Charlotte <Youngblood.Charlotte@epa.gov>; Walker, Denise <Walker.Denise@epa.gov>; Gottesman, Larry <Gottesman.Larry@epa.gov>  
**Subject:** Draft Slides for Monday Acting Admr Briefing on FOIA

Hi all,

Attached are the draft slides for the Monday briefing for Wheeler on FOIA improvement initiatives. I have asked Carla to set up a pre-brief meeting with Matt for later this week.

Beth, should we add a slide on the AO4 project? We could highlight the good numbers coming out regarding processing of accumulated FOIAs, your hiring, and the Tiger Team initiative.

Larry, Please provide an update for the backlog pie charts on slide 7.

Wendy/Charlotte, do you want to update the litigation slide?

Tim

Timothy R. Epp  
Acting Director, National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
Tel. 202-564-2830

Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 8/1/2019 6:57:29 PM  
**To:** Tran, Victoria [tran.victoria@epa.gov]  
**Subject:** Updates please  
**Attachments:** Awareness Notificiation Temp 1.docx

I understand from Kristina that you reached out to her on updates. Can I also get them, so we can change the template?

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)



National FOIA Office  
EPA Office of General Counsel

Message

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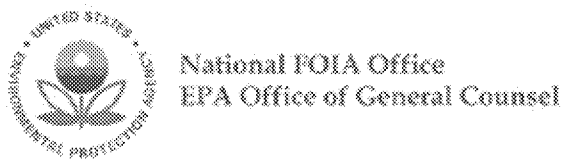
**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 8/7/2019 8:16:32 PM  
**To:** Schena, Cristeen [Schena.Cristeen@epa.gov]; Calderon, Wanda [Calderon.Wanda@epa.gov]; Tate, Rita [Tate.Rita@epa.gov]; Hines, Andrea [hines.andrea@epa.gov]; Gross, Louann [Gross.LouAnn@epa.gov]; Gupta, Kaushal [Gupta.Kaushal@epa.gov]; Ho, Nancy [Ho.Nancy@epa.gov]; Stevens, Edie [Stevens.Edie@epa.gov]; Engels, Alan [engels.alan@epa.gov]; Johnson, Ivry [Johnson.Ivry@epa.gov]; Kercheval, Stephanie [Kercheval.Stephanie@epa.gov]; Almazan, Christina [almazan.christina@epa.gov]; Newton, Jonathan [Newton.Jonathan@epa.gov]; Hamilton, Sabrina [Hamilton.Sabrina@epa.gov]; Kennedy, Chandra [Kennedy.Chandra@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Malloy, Marilyn [Malloy.Marilyn@epa.gov]; Newman, Maya [Newman.Maya@epa.gov]; Collazo, Beatriz [collazo.beatriz@epa.gov]; Barnett-Owens, Inga [Barnett-Owens.Inga@epa.gov]; Bossard, Justin [bossard.justin@epa.gov]; Clausen, Rebecca [Clausen.Rebecca@epa.gov]; McLendon, Wanda [McLendon.Wanda@epa.gov]; Brown, Sineta [Brown.Sineta@epa.gov]  
**CC:** Person, Linda [Person.Linda@epa.gov]  
**Subject:** Updated Awareness email template  
**Attachments:** Awareness Notification 8-1-19.docx

I just sent the wrong one a few minutes ago.

This is the latest

Larry F. Gottesman  
Agency FOIA Officer  
National FOIA Office  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 3/20/2018 6:35:46 PM  
**To:** Bigioni, Neil [bigioni.neil@epa.gov]  
**Subject:** National FOIA Program Overview for AO - Draft -8-4-17 (002).pptx  
**Attachments:** National FOIA Program Overview for AO - Draft -8-4-17 (002).pptx

This is the briefing we gave to Ryan Jackson on FOIA. See slide 12.

Good to see you again.

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)



Message

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**From:** Andrew Perez [andrew@maplight.org]  
**Sent:** 7/10/2018 9:41:56 PM  
**To:** Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** Re: EPA foia queue

Hey Larry - is this still getting posted? Do you have a minute to chat tomorrow? Please let me know when is good for you - though I should note I am on the West Coast for the week.

Thanks,  
Andrew

ANDREW PEREZ  
MapLight  
Political Reporter  
c: (954) 410-4522  
t: [@andrewperezdc](https://twitter.com/andrewperezdc)

On Thu, Jun 28, 2018 at 6:41 PM, Andrew Perez <[andrew@maplight.org](mailto:andrew@maplight.org)> wrote:

Hey Larry,

I just want to check in and see if you guys are still posting the queue for FOIAs to the EPA Administrator's office this week.

Can you send me a link when it's available? Or can you let me know where it will post on the site?

Thanks,  
Andrew

ANDREW PEREZ  
MapLight  
Political Reporter  
c: (954) 410-4522  
t: [@andrewperezdc](https://twitter.com/andrewperezdc)

Message

---

**From:** Schumacher, Wendy [schumacher.wendy@epa.gov]  
**Sent:** 1/31/2018 2:25:02 PM  
**To:** Gottesman, Larry [Gottesman.Larry@epa.gov]  
**Subject:** RE: National FOIA Office Operations Manual\_20180130.docx  
**Attachments:** National FOIA Office Operations Manual\_20180130 WS edits.docx

Larry,

Addressed your comments and edits. Ready to share?

Thanks, Wendy

---

**From:** Gottesman, Larry  
**Sent:** Tuesday, January 30, 2018 2:45 PM  
**To:** Schumacher, Wendy <schumacher.wendy@epa.gov>  
**Subject:** National FOIA Office Operations Manual\_20180130.docx

Please see my comments.

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)

## FOIA/NATIONAL FOIA OFFICE FACT SHEET

### **BACKGROUND:**

- In FY 2019, the Agency will continue to work to more centrally manage FOIA requests to achieve efficiencies in processing. On April 15, 2018, the National FOIA Office (NFO) was created in EPA's Office of General Counsel (OGC) by reorganizing the former Office of Environmental Information (OEI) National FOIA Program into OGC and combining it with OGC's FOIA Expert Assistance Team.
- In FY 2017, EPA received 11,518 requests – the most received by EPA since FY 2008
  - This is an increase of 9.7% over 2016 (when we received 10,403 requests).
- In FY 2018, EPA received 11,364 requests
  - This is 9.23% more than 2016.
- The Agency currently has over 65 pending FOIA court cases. This is more than triple the average number of cases received between 2013-2015, which was the Agency's previous highwater-mark for FOIA litigation.
- The Agency stopped tracking the backlog from the prior Administration at the end of August 2018.
  - At that time we had reduced the backlog by 74.1% (from 652 requests to 169).
- The Office of Mission Support (OMS) eDiscovery Services is a critical, centralized service, provided to all EPA offices for searching, collecting and processing electronic information that may be responsive to FOIA requests, litigation needs, and Congressional inquiries.

### **KEY POINTS:**

- The OGC NFO assigns all Headquarters' FOIA requests and makes Agency-wide decisions regarding FOIA expedited processing and fee waivers, and is updating and improving policies, procedures, regulations, guidance and training.
- OGC also provides legal counsel and support for EPA's FOIA responsibilities. OGC will continue to prioritize the timely and complete processing of FOIAs and FOIA administrative appeals to comply with all applicable laws and regulations.
- We have also implemented a series of critical reforms to the FOIA process at the Agency which include:
  - Reorganized the FOIA functions to increase centralization and increase accountability;
  - Upgraded eDiscovery suite of services and deployed tools to improve the efficiencies of FOIA electronic document review,
  - Hired and deployed more staff for processing FOIA responses and established a Tiger Team of 14 staff to handle document review within the Administrator's Office;
  - Streamlined the FOIA process by using the FOIA Expert Assistance Team (FEAT); and
  - Improved accountability by including FOIA compliance as an element in supervisor performance plans.

### **TALKING POINTS:**

- We are working to ensure that we have the necessary resources to continue to improve our FOIA responses in the Administrator's office and across the agency.
- The volume of FOIA requests and FOIA litigation Agency-wide at EPA has increased under this Administration (FY 2017 and FY 2018). The Administrator's Office **has seen nearly a 400% increase**.
- Nonetheless, we were able to make strides on the agency-wide FOIA backlog we inherited from the previous Administration, completing nearly 500 requests and reducing that backlog by nearly 75%.
- Every minute the Agency spends working on these voluminous FOIA requests is one minute less we have to focus on our core mission of human health protection and the environment.
- The Agency has over one hundred full time staff working on FOIA.

Message

---

**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 9/4/2018 4:09:13 PM  
**To:** Epp, Timothy [Epp.Timothy@epa.gov]  
**Subject:** FW: FOIA regulations

Follow-up.

---

**From:** Gottesman, Larry  
**Sent:** Monday, November 27, 2017 4:35 PM  
**To:** Moser, Rebecca <Moser.Rebecca@EPA.GOV>  
**Subject:** FOIA regulations

As you know, the FOIA regulations are back with OGC. When we asked Lynn Kelly/Kevin Miller for a status they told us that they are currently with Wendy Blake for her review and then Kevin Minoli would have to review the regulation, before we got them back. They could not provide any timeline. As you know Steve gave us comments which were incorporated into the draft, before October 1 and are now pending with OGC.

Can you ask Wendy Blake for an estimated completion date for OGC?

Thanks

Larry F. Gottesman  
Agency FOIA Officer

202-566-2162 (Direct line)  
202-689-4588 (Mobile)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
ENVIRONMENTAL INFORMATION

AUG - 8 2016

**MEMORANDUM**

**SUBJECT:** Freedom of Information Act (FOIA) Standard Appeal Language for Use in FOIA Final Response Letters

**FROM:** Larry F. Gottesman, Agency FOIA Officer  
Office of Environmental Information

Kevin Miller, Assistant General Counsel for Information Law  
Office of General Counsel

**TO:** National FOIA Service Center  
Regional FOIA Officers  
National FOIA Coordinators  
Regional Counsel

This memorandum transmits the updated FOIA standard appeal language developed by the Agency FOIA program and the Office of General Counsel to comply with the new requirements for FOIA final response letters in the FOIA Improvement Act of 2016. The attached standard appeal language notifies the requester of the right to file an appeal within 90 calendar days and the right to seek dispute resolution services from the Agency's FOIA Public Liaison and the Office of Government Information Services (OGIS). This language should appear in all FOIA final response letters, effective immediately, to ensure compliance with these requirements. Additionally, the use of this standard appeal language will ensure consistency among EPA programs in the use of administrative appeal language when responding to FOIA requests.

Should you or your staff have any questions, please contact Larry F. Gottesman, National FOIA Officer at [Gottesman.larry@epa.gov](mailto:Gottesman.larry@epa.gov) or 202-566-2162.

Attachment

cc: Rebecca Moser, Director, Office of Enterprise Information Programs  
Wendy Blake, Associate General Counsel, General Law Office  
Becky Dolph, Director, FOIA Expert Assistance Team

**APPEAL LANGUAGE FOR ALL FINAL FOIA RESPONSES, EXCEPT AS NOTED BELOW:**

This letter concludes our response to your request. You may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov), or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service, or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. The Agency will not consider appeals *received* after the 90-calendar-day limit. Appeals received after 5:00 pm EST will be considered received the next business day. The appeal letter should include the FOIA tracking number listed above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail, Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.

**APPEAL LANGUAGE IF THERE IS AN INITIAL WITHHOLDING BASED ON EXEMPTION 4:**

This letter concludes our response to your request. As noted above, the information withheld under Exemption 4 will be reviewed by the appropriate legal office, which will issue a final confidentiality determination. Therefore, you do not need to appeal the withholding of information under Exemption 4. Once the legal office issues a final confidentiality determination, EPA will notify you whether the information qualifies for confidential treatment or may be released. To the extent you would like to appeal any other issue, including any non-Exemption 4 withholdings, you may appeal this response by email at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or by mail to the National Freedom of Information Office, U.S. EPA, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue. If you are submitting your appeal by hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20004. Your appeal must be in writing, and it must be received no later than 90 calendar days from the date of this letter. Appeals received after 5:00 pm EST will be considered received the next business day. The Agency will not consider appeals *received* after the 90-calendar-day limit. The appeal letter should clearly identify the determination being appealed, including the assigned FOIA tracking number shown above. For quickest possible handling, the subject line of your email, the appeal letter, and its envelope, if applicable, should be marked "Freedom of Information Act Appeal." Additionally, you may seek dispute resolution services from EPA's FOIA Public Liaison at [hq.foia@epa.gov](mailto:hq.foia@epa.gov) or (202) 566-1667, or from the Office of Government Information Services (OGIS). You may contact OGIS in any of the following ways: by mail to the Office of Government Information Services, National Archives and Records Administration, Room 2510, 8610 Adelphi Road, College Park, MD, 20740-6001; email, [ogis@nara.gov](mailto:ogis@nara.gov); telephone, (301) 837-1996 or (877) 684-6448; or fax, (301) 837-0348.



Message

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**From:** Gottesman, Larry [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=7B3DBF872F954FBEB950E98C56BDC431-LGOTTESM]  
**Sent:** 2/13/2019 6:44:26 PM  
**To:** Miller, Kevin [Miller.Kevin@epa.gov]  
**Subject:** FOIA Internet posting  
**Attachments:** FOIA Efficiency Memo.pdf

We are planning to post Acting Administrator Wheelers' FOIA memo on the intranet site this week.  
<https://www.epa.gov/foia/foia-resources>

What is your thought on us also posting Ryan Jackson's memo? Memo, attached.

Thanks

Larry F. Gottesman  
Agency FOIA Officer  
Office of General Counsel  
U.S. Environmental Protection Agency

202-566-2162 (Direct line)  
202-689-4588 (Mobile)  
202-566-1667 (Main line)